SPEECHES

DELIVERED BY

Hon. G. W. Ross

IN THE

Legislative Assembly of Ontario

ON THE

Liquor Act of 1902

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On the Introduction of the Bill respecting the Sale of Intoxicating Liquors, 12th February, 1902

Immediately upon the opening of the Legislature Wednesday Premier Ross introduced his bill respecting the sale of intoxicating liquors, the effect of which is to bring into force the Manitoba Liquor Act upon its being approved by the electors entitled to vote for members of the Legislative Assembly. The date finally settled for the vote is December 4th. The act will become operative on May 1, 1904, upon getting a majority vote, provided the total number of votes cast for it shall exceed one-half the number of votes cast in the Provincial general election, of 1898. The address of Premier Ross, in introducing the bill, lasted two hours and ten minutes, and was as follows :—

I beg to move, seconded by Mr. Gibson, for leave to introduce a bill entitled "An Act respecting the sale of intoxicating liquors in the Province of Ontario."

In moving the first reading of this bill, of which I gave notice a few days ago, I must ask the indulgence of the House for having to speak at some length, in order to explain the more important features of the bill, which I expect the House to consider fully when it comes to its second reading. I have, in my somewhat extended experience as a member of this House, taken part in many discussions with regard to the license laws of the Province, and with regard to legislation imposing reasonable restrictions upon the sale of intoxicating liquor, all of which were thought to be in the public interest, and intended to promote public morality. These discussions and attempts at legislation have extended over many years of the life of this Legislature. Even before I had the honor of a seat here, perhaps the most important legislation with regard to the license laws that ever occupied the attention of the Legislature was discussed,

and is now known as the Crooks Act of 1876. I think hon. gentlemen on both sides of the House, indeed all well-wishers of humanity, will agree that in the main the tendencies of public opinion, growing and deepening every year, by which the Legislature has been endeavoring to impose, and, I hope, measurably at least to enforce, restrictions upon the illicit sale of intoxicating liquors, have been of great advantage to the public and have been of great assistance in maintaining law and order, and in contributing morally, and perhaps financially, to the welfare of the people. The effect of these restrictions has been to reduce very materially the number of places in which intoxicating liquors are sold. For instance, in the year before the Crooks Act was passed there were in the Province of Ontario 4,793 tavern licenses; last year there were 2,621. In 1875 there were 1,307 shop licenses, last year 308. In 1875 there were 52 wholesale licenses, last year there were 21. In 1875 there were 33 vessel licenses, last year there were none; vessel licenses have been entirely abolished. We had in all licenses to the number of 6,185 in 1875, and last year we had 2,950.

I mention this to show that the tendency of public opinion and the object of this legislation have been to confine the sale of intoxicating liquors to the narrowest possible limits within which the license laws could be effectually enforced, and if it is reasonable to infer that by reducing the number of licenses we are restraining the evils of intemperance, then we have here evidence, so far as statistics will prove anything, that there must have been a very material improvement in the habits of the people in the last twenty-five years. As an instance, in 1875 one license was issued to each 278 persons. Last year one license was issued on an average to 700 persons. The reduction there is most marked. As compared with some States of the Union, our standing in this respect is very satisfactory. I would only mention a State or two—take for example the State of Michigan just across the border, in which there is one license for each 239 persons, against 700 persons in Ontario. In New York they have one license for each 134 persons. Another evidence of the progress of temperance sentiment is seen in the entire abolition of licenses in many municipalities. We have in Ontario 756 organized municipalities. In 141 of these no tavern licenses are issued; that is, in 20 per cent. of the municipalities there are no tavern licenses. In 435 municipalities one and not more than two tavern licenses are issued. In 625 municipalities there is not a single shop license. If we compare

ourselves with our sister Provinces the result is equally satisfactory. I will not go into the details any further than merely to mention this one fact, that the convictions for drunkenness in Ontario are now one for each 828 people; in Quebec, one for each 461; in Nova Scotia, one for each 448; in New Brunswick, one for each 253; in Manitoba, one for each 355; in British Columbia, one for 207; in Prince Edward Island, one for each 341; in the Territories, one for each 180; for the whole Dominion, one for each 310, and for Ontario one for each 828. It appears from these statistics, and I do not know if you can rely on them absolutely, but they have been carefully prepared, and I think may be trusted to mean a good deal, that Ontario is the most temperate Province in the Dominion, and that the result of our license legislation has been gratifying in the extreme. I will not wait to go over the legislation of the various years, but will just mention one or two great steps in advance which have been taken in the last few years. I refer particularly to the License Act of 1897, whereby the unit of population to each hotel was raised, resulting in the closing of about 120 hotels. We also limited the hours for sale in towns from 6 a m. to 10 p. m., and in cities from 6 a.m. to 11 p.m. Previous to this act, in many cities and inspectoral divisions there was no limitation at all on the sale of liquors either during the day or during the night. Another amendment to the act prohibited the sale of liquors to minors. The effect of that, in a word, is simply that one-half or nearly one-half of the whole population of the Province was placed under prohibitory regulations. Other minor provisions need not be mentioned. Now, the high-water mark of our license law was reached in 1897.

Legislation was Postponed.

It was thought that a year ago this act could be still further improved, and the Government had carefully prepared a bill for that purpose. While that bill was under consideration we were met by the action of the Manitoba Legislature adopting Provincial prohibition. We were met, too, by strong demands from a very influential part of our population for similar prohibition in Ontario, and we thought that until this question of partial prohibition was disposed of we would allow the license law to stand. The larger would, of course, include the lesser in the estimation of the promoters of this latter movement. We therefore had no license legislation since 1897, although we

were of the opinion, and perhaps that opinion will be shared by hon. gentlemen opposite, that our license law could be still further improved. Now, I mention this to show the progress we have made in license legislation, and to bring us up to the point at which we now arrive, namely, to consider whether license legislation shall be submitted to the House, or whether we shall embark upon a measure of partial prohibition—and I say partial prohibition, because, by that, meaning prohibition to the extent of our constitutional limitation will we have settled upon our course.

Manitoba Bill Adopted.

The Government has decided to bring in a bill in the terms of the Manitoba Act, the main provisions of which are well known to every hon. gentleman in this House. That bill will be referred to the House in the usual way. Several objections are taken to what is supposed to be the policy of the Government in regard to it. In the first place, I shall take hon. gentlemen into my confidence and say we are not introducing that act to be placed upon the statute books by the assent of the Crown, and in that way becoming law when so assented to. It is proposed to introduce the act, to have it considered clause by clause, and at some time in the future refer it to the electors of the Province of Ontario in order to get an expression of opinion from them, and if that expression is favorable, then the act will go into operation on the terms stated therein.

Propriety of the Referendum.

And now I am at once met by two objections, and that will be the burden of my address this afternoon, as to the propriety of taking this course. There are people who say that we as a Government should assume the full responsibility of a measure of this kind. There are people who say, on the other hand, that in sumptuary legislation like this, in following the precedents of legislation elsewhere, it is perfectly within our right to submit such legislation to the electors. Prohibition has never been made a party question in the strict sense of the term. Liberals have not taken it up as a question on which they asked for the decision of the electors in a party sense. The Opposition has acted in a similar way. How to account for this attitude of the two parties is rather a difficult matter. It would perhaps require considerable investigation and lengthened

explanation to explain the attitude of the public on prohibition as a party measure compared with or contrasted with the attitude of the public on other party measures. For instance, protection was made a party measure, and manhood suffrage was in a certain sense made a party measure in this country, and confederation was made a party measure, and yet for thirty years, more or less, the question of prohibition has been before the Parliaments, first of the old Province of Canada, then the Parliament of the Dominion, and before this Parliament, and yet neither of the two great parties felt disposed to raise an issue, a direct issue, at the polls on the question of prohibition in the same way as issues are raised on the other questions I have named.

Not a Party Question.

That being the case, we are therefore presenting this question to the House not strictly as a party measure; we are not asking the electors to vote as Liberals or Conservatives; we are submitting it in the sense that it is a great question of vast importance to the people, a question that to some extent is of so great importance as for the time being to absorb or overshadow the differences which party leaders have made between each other, and ask for the opinion of the electors irrespective of their party affiliations.

I can understand that if prohibition were passed by either party, in the ordinary method of political warfare, there might be a disposition on the other side to discredit it. I do not say that either party would do so, but similar things have happened in party conflicts. If this question can be submitted to the people as a question on which the best thought of the people can be enlisted, and in regard to which the strongest convictions of the people can be expressed, without regard to their party affiliations, we would have a better and more conclusive and perhaps a more judicial decision than we could get on it in any other way.

Is It Constitutional?

The first question with which I am met then is this: Is the referendum which we are now adopting a constitutional mode of procedure. I notice that some of our newspapers take the ground that it is not constitutional, and, as a matter of course, the Government are severely censured for adopting this measure. It is said to be a measure by which we are shirking our respon-

sibilities. It is said to be un-British, a departure from British usages. The fact that we are introducing the measure in this form adds to the responsibilities which I now feel in the discussion on which I have entered. I am not merely introducing a bill for prohibition, but a bill which may be quoted as a precedent for many years to come as to the proper procedure in other matters. I am aware what a great divergence it may mean from the practice of this Legislature since constitutional government was established here. Having some misgivings in the matter, I put myself in communication with Sir John Bourinot, who is admittedly a high authority on constitutional matters. I wrote him as long ago as Dec. last, asking him to express his opinion on two points.

Opinions of High Authorities.

First, did he think that the question of a referendum was a constitutional mode of procedure, and secondly, when the opinions of the electors had been expressed, by what procedure could the prerogative of the Crown be put into effect? Sir John Bourinot's memorandum is a little long, but as I said at the outset, I intend to proceed with deliberation and calmness, as the question is such an important one, and I shall give in extenso his views. In answering my inquiry, he said :—"The democratic conditions of the Canadian system of Parliamentary government can be seen in the growing tendency of recent years to depart somewhat under special circumstances from the old principle of Parliamentary sovereignty in legislation, and obtain immediately an expression of opinion on some question of grave import on which there is a great diversity of opinion, and the future success of which must mainly depend on the measure of public support which it will receive in case it is brought into legal operation. It is for this reason that the Dominion Parliament and the Legislatures of several Provinces have, within a decade of years, submitted to the people at the polls the question whether they are in favor of prohibitng the sale of spirituous liquors within the limits of their constitutional jurisdiction before proceeding to pass legislation dealing with the subject?"

Plebiscite and Referendum.

"While the plebiscite may be compared to the Swiss 'initiative,' which gives the right to the electors to move the legislative

bodies to take up and consider any subject of public interest, the referendum which is also borrowed from the same country, has been also suggested on several occasions as a desirable and efficient method of bringing into force a measure which can only be successful when it obtains the unequivocal support of a large majority of the people interested in its provisions. This democratic feature of the Swiss political system may be compared with the practice that already exists in Canada of referring certain by-laws of municipal bodies to the vote of the ratepayers of a municipality, of giving the people of a district an opportunity of accepting or rejecting the Canada temperance act, of permitting a majority of the ratepayers in a municipal division to establish a free library at the public expense," etc. And here, Mr. Ross continued, he quotes a high constitutional authority, Cooley, of whose standing, I am sure, hon. gentlemen are well aware. Mr. Cooley says :

"It is not always essential that a legislative act should be a competent statute which must in any event take effect as law at the time it leaves the hand of the legislative department." A statute "may be conditional and its taking effect may be made to depend upon some subsequent event."

"On the question of the referendum applied to certain classes of legislation Dr. James Bryce has well said :—"A general election, although in form a choice of particular persons as members, has now become practically an expression of popular opinion on the two or three leading measures then propounded and discussed by the party leaders, as well as a vote of confidence or no confidence in the Ministry of the day. It is in substance a vote on those measures, although, of course, a vote only on their general principles, and not, like the Swiss referendum, upon the statute which the Legislature has passed. Even, therefore, in a country which clings to and founds itself upon the absolute supremacy of its representative Chamber, the notion of a direct appeal to the people has made much progress." And Mr. Dicey, an equally competent authority, tells us :—"The referendum, in short, is a regular, normal peaceful proceeding, as unconnected with revolutionary violence or despotic coercion and as easily carried out as the sending up of a bill from the House of Commons to the House of Lords. The law to be accepted or rejected is laid before the people in its precise terms ; they are concerned solely with its merits and demerits ; their thoughts are not distracted by the necessity of considering any other topic." In the constitution of the new commonwealth of

Australia there is a provision which practically admits the usefulness of a referendum in certain cases of legislative difficulty; and that is, in case of a conflict between the Senate and House of Representatives, both elective, on a bill. In case of an irrepressible conflict, the Houses are dissolved and an expression of opinion is obtained from the electorate on this measure alone, which is then again submitted to the Legislature to be settled by a joint vote of both Houses."

Approved by Imperial Parliament.

Now in Australia we find that a constitution contains provision for a referendum. That constitution was adopted by the Imperial Legislature a little over a year ago. The Imperial Legislature accepted that constitution with a referendum clause in it. If it be right for the Commonwealth of Australia as a proper constitutional procedure, to require a measure on which there is an irrepressible conflict between the two branches of the Legislature to be submitted to the electors, then we would be surely justified in referring to the electors a measure on which there is a great difference of opinion, and on which an opinion cannot be got in any other way.

MR. WHITNEY: I would remind my hon. friend that the provisions to which he is now alluding were placed in the constitution of Australia because of a deadlock over a situation which prevents the possibility of any other settlement.

THE PREMIER: The British Houses of Parliament have often come to a deadlock, and there is no provision in the British constitution for such a referendum. The constitution of the Commonwealth, instead of allowing an irrepressible conflict to continue, adopted the referendum as a solution of that deadlock, and adopted that solution with the approval and concurrence of the British House of Commons and the House of Lords, and with the best legal advice and opinions of the best minds of the empire.

MR. WHITNEY: It is impossible here.

THE PREMIER: It might have been adopted here.

MR. WHITNEY: The hon. gentleman misunderstands me. I say that such a deadlock is impossible here, because we have got only one House.

THE PREMIER: It is not impossible at Ottawa. There may be a deadlock between the Commons and the Senate, and they must get over it the best way they can, no provision whatever

having been made for such a difficulty. I would not be at all surprised if, in revising our constitution, such a provision was included. It would be a very good way of getting over the difficulty.

A Vexed Question.

If a referendum is unconstitutional, how do you account for its acceptance by the House of Commons in the case of Australia? Then, Sir John Bourinot, continuing, says:—"It seems to me that the question of prohibition is one of those vexed questions which affect so deeply the social and moral conditions of the people at large that it can properly be taken out of the category of ordinary subjects which can be best solved by the wisdom of the Legislature itself." And further on he says:—"The whole object of a plebiscite, as well as a referendum, is to obtain such a complete decision of the popular will as will enable the Legislature to deal definitely with a question on which there is great variance of opinion." I need not read the whole of this paper. It is all on the line that I have indicated. There are the two great constitutional authorities that I have mentioned, the action of Australia, and then there is the opinion of Sir John Bourinot himself that in this or any similar matter we are quite within our rights, that it is a legitimate thing, and it would not be an unconstitutional procedure for us to adopt a referendum, or take the opinion of the electors as to whether such and such a bill meets with their approval, and that opinion being expressed in the terms laid down by Parliament, then the proclamation of the Crown should issue, bringing it into effect.

The Privy Council.

There is another argument which is very strong to my mind, and that is the opinion of the Privy Council given in the case of the Queen v. Hodge, where the Privy Council declared that the powers of the Provincial Legislature were within its own jurisdiction as full and ample as the powers of the British House of Commons. I will just quote one sentence: "When the B.N.A. Act enacted that there should be a Legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the Province and for Provincial purposes in relation to matters enumerated in section 92, it conferred powers not in any sense to be exercised by delegations from or as agents of the Imperial Parliament, but authority as plenary

and as ample within the limits prescribed by section 92, as the Imperial Parliament in the plenitude of its powers possessed and could bestow."

Limitation of Powers.

Now, is there any inference to be drawn from that definition of our powers as a Legislature, except that we can do here within our own constitutional limitations anything that the British House of Commons can do? No person will hold that the British House of Commons could not refer a bill to the electorate of Great Britain. That would be to put a limit on the greatest Parliament in the world, a Parliament that has legislated not only for the United Kingdom, but for the greatest empire in the world. No such limitations exist upon the British constitution. If our powers are coterminous within our own legislative jurisdiction with that of the British Parliament in Great Britain, then we within our constitution can do in the Province of Ontario anything Great Britain can for the United Kingdom. And this view, sir, is further confirmed by the judgment of Lord Selborne in a noted case arising out of an act of the Government of India. A word from Lord Selborne's judgment will make this point clear. He says:

"Where plenary powers of legislation exist as to particular subjects, whether in an Imperial or a Provincial Legislature, they may (in their Lordship's judgment) be well exercised, either absolutely or conditionally. Legislation, conditional on the use of particular powers, or on the exercise of a limited discretion, entrusted by the Legislature to persons in whom it places confidence, is no uncommon thing, and in many circumstances it may be highly convenient."

Powers of the Province.

If we passed this bill and it became law on the signature of his Honor the Lieutenant-Governor, that would be passing it absolutely. If Lord Selborne's judgment is correct, we could also pass it conditional on the vote of the electors, that is, conditional on the use of particular powers or on the exercise of limited discretion. Indeed, a limited discretion entrusted by the Legislature to persons in whom it places confidence—that is, the electors—is no uncommon thing, and in many instances it may be strongly defended. You have, therefore, very strong evidence leading up to the view I desire to start out with, that our

act was not unconstitutional. I could quote, also, Canadian authorities, some of them bearing as closely on the subject as those I have already quoted, others a little more remote. In 1891 Mr. Flint, who was leader of the temperance movement in the House of Commons, spoke on the bill—Mr. Flint was not leader then—but he spoke on a bill introduced by Mr. Jameison, now Judge Jamieson, who was then leader of the prohibition party in the House of Commons. There was an amendment moved by Mr. Taylor to Mr. Jamieson's bill, to the effect that "it is essential to the effectual working and permanent maintenance of such an enactment that the electorate of Canada should first pronounce a definite opinion on the subject at the polls."

Mr. Mills, in speaking to the amendment, said: "I do not admit that it is an un-British or unconstitutional proceeding to refer a matter of this kind directly to the people of the country." Mr. Mills was always regarded as a high constitutional authority, and as proof of that regard he now occupies, to my great delight, a seat on the Supreme Court Bench. He says: "I admit that it is an undesirable course to take in a majority of cases, because there is no difficulty, in the majority of instances, in enforcing a measure which is placed upon the statute book; but this would be a sumptuary law, and it requires a general co-operation of the community to give it effect. I do not think a greater misfortune could befall the cause of total abstinence than the placing on the statute book of a measure which would be imperative."

Then Sir Louis Davies, now of the Supreme Court also, spoke. He said: "It is said to be un-English, that there is no precedent for it. Well, sir, I am not aware that it is absolutely essential that we never should take any step in this new country unless we can show an English precedent for it; but we can show precedents in other countries, in Switzerland, as my hon. friend reminds me."

Hard to Keep Under.

In 1892 the same subject, for it seems hard to keep it under, came up again in the House of Commons on a motion of Mr. Charlton, in which Mr. Charlton asked that the question be referred to the electors of Canada at the polls. Speaking on this question, Sir John Thompson said: "I am not submitting, as the hon. gentlemen seem to anticipate, that there are constitutional questions involved." Sir John Thompson did not raise constitutional objections. He said: "I have no doubt we can change

and mould our constitution in that respect as we please," so he had no doubt as to the constitutional process. "But," he says, "I feel very confident in the assertion that such a mode of action is utterly repugnant to constitutional principles we have adopted and followed with zeal down to the present time."

Sir Wilfrid Laurier, in the same debate, says: "I agree to a large extent with the Minister of Justice that the system of referring such a question, or, in fact, any question, to a plebiscite is not in harmony with our institutions. I would rather see this question, and all other questions, disposed of in the old British manner, that is, by Parliament itself. The hon. gentleman and all people who look at this question dispassionately must admit that, in this instance, there might be an exception made. Rules exist, but there are few rules to which there is not an exception. This question of temperance and prohibition is one which might well be disposed of in this manner. . . I doubt if you can have any better mode of ascertaining the views of the country at large, and therefore I would favor the reference of this question to the people, not that I would do it as a general rule, but as an exception which might properly apply under the circumstances."

Then, again, Mr. Mills in 1898, six or seven years after his first expression of opinion on the question, referred to the same matter when the bill for the plebiscite was brought before the Senate of that year. There the question was raised as to the propriety of such a course and as to its constitutional effects. Mr. Mills, speaking in the Senate in 1898, said: "Ordinarily, the work of legislation ought to be carried on by Parliament, and the Government ought to assume the responsibility of determining what they propose, because in a great many instances the questions that, as a Government, they are pledged to and that they are called upon to deal with are questions with reference to which the elections have turned. Now, this is not an ordinary question of legislation, and no question relating to a sumptuary matter can be, because it is not what is best in the abstract, but it is what the people are ready to sustain, that you are bound to determine."

Constitutionality of the Referendum.

Further evidence shows that Sir John Macdonald and Sir Mackenzie Bowell, and all who had any status in Parliament in fact for the last ten or fifteen years, either by their vote or by

their speeches, accepted the constitutionality of a referendum. If, therefore, we are making a departure, we are making it on high legal sanction, on the sanction of the British House of Commons, the sanction of the Australian Commonwealth, the sanction of the Canadian House of Commons, the sanction of the great leaders in constitutional law on both sides of the Atlantic. We are making it in view of the difficulties, to a certain extent, which are involved in legislation of this kind, and I would be rather disposed, in a conservative way, to echo the view expressed by Sir Louis Davies, that we must not allow ourselves to be too strongly bound by precedents. Precedents are useful in steadying the decision of the courts, and therefore useful in legislation; but we pass—I was almost going to say daily—in this House, bills for which there has been no precedent. How is society to grow; how are the liberties of the people to expand, if you are to sit down and study musty volume after musty volume in order to ascertain if our grandfathers or great-grandfathers, or ancestors a hundred years ago, did so and so? Should we, then, while recognizing the good sense, the prudence and judgment and loyalty to the liberty of the people, and to popular institutions of our ancestors; should we be for ever in leading strings; should we be restrained by hands that practically have mouldered years ago and gone to their original dust? We are in the living present. We have the responsibilities of living legislation before us and the full realization of that larger sense of manhood we enjoy, some of which we have inherited from our fathers.

A Philosophic Expedient.

That leads me to the next view. Is the referendum a mode of procedure which one might reasonably expect to meet with the approval of thoughtful men? Legislation to be effective, and to maintain its dignity, must keep within the lines of the best thought of the people. If we are too conservative we are discarded, and very properly so; if we are too radical, we may introduce revolutions and changes which will be very disturbing and very unconstitutional. The golden mean in legislation must always be our aim. Does the referendum commend itself to those who have given it thought, the leaders of the great movements which are crystallized in legislation? I have no less an authority than the Premier of England, Lord Salisbury, on that point. Lord Salisbury said—and I believe that anything on a question like this coming from a man like Lord Salisbury is

full of thought and significance—Lord Salisbury said: "I believe nothing could oppose a bulwark to popular passion except an arrangement for deliberate and careful reference of any matters in dispute to the people, like the arrangement existing in the United States and Switzerland." I commend these three or four lines to the thoughtful attention of the members of the House and the people of the country. We are apt to be, to use a vulgar expression, stampeded in legislation, and to be stampeded in opinion by the intensity of the advocates of any particular opinion. We are apt to lose that judicial poise which a legislature should always maintain if it is to deal rightly by both parties who are to be affected by our legislation. On the one hand, we have the militant temperance men, thoughtful, moral, pure-minded, earnest, anxious to see this world blossom out in beauty and freshness, and we have their case presented with such intensity—I shall not say emotion—as to almost overcome us by the arguments as well as the illustrations used. On the other hand, we have those in the trade who say, "The trade is our life, we depend on it for our existence." They see no harm in it. To destroy it would be to turn them on the streets, to make beggars of wealthy men, and they bring before us the result of absolute prohibition. We have to stand midway between these two parties. They are both citizens; the motives of one may be purer than of the other, some of you may say, but that is not the question we have to consider.

The question we have to consider is how so to legislate that, while we promote the moral influences the temperance man advocates, we do not inflict a moral wrong on the other man whose business we are disposing of, and this view has had a great deal of weight with me in thinking over the responsibility of a referendum.

A Single-chamber House.

Moreover this is a single chamber; there is nobody to be appealed to from this body. In the Dominion there is a Senate; the object of a second chamber in all legislation is to steady the more volatile public opinion which finds expression in the Lower House. If you will read the debates on confederation, or the history of the House of Lords, you will find that this is the view presented by the advocates of a second chamber. In the United States the complications arising out of the existence of a

second chamber are greater perhaps than in Great Britain, and yet you will see that in the United States hasty legislation is more strongly guarded against than it is under the British system, and consequently the American constitution is less elastic than the British. We are the only Province in the Dominion that started out with a single chamber. We have guided legislation on the whole wisely, prudently, and with some little regard to conservative public opinion. We have in this instance to see if the pressure—I use the word in a proper sense—that is brought to bear on us by those who are anxious for this legislation, is a pressure endorsed by the electors in their minds and judgment. There is no other body to stand between us and the elector to give this question a second thought, and for that reason there is a good deal of force in the view I now entertain, that in a question like this, partaking somewhat of a material character, and in which there is such intense religious zeal involved—and sometimes zeal perhaps outruns the good sense of the individual with regard to both views of the question—it does seem to me there ought to be some way of getting at the calm, judicial thought of the whole people, or shall I say some neutral body, or some other body that will give the subject sober second thought, and will give that sober second thought without any regard to the consequences involved. We are to a certain extent influenced, and in the main primarily so, by the effect it should have on our various circumstances. We ought not to try to get away too far from that principle on which, I think, the security of British institutions depends, of occasional and frequent appeals to the electors. One of the great planks of the Chartists was triennial Parliaments, bringing the House of Commons to account every three years, if possible. We have to give an account every four years, but I want to point out, while this is our constitutional method, it may be well in a question of this kind, and this question seems to be unique, to have some resting place where that second thought will be given, and where those who in the last analysis have to take the consequences, for good or evil, shall have an opportunity of expressing their opinions upon it.

English Opinions.

I have mentioned what Lord Salisbury said on the question of the referendum. The view of the great Conservative party of England is in harmony with Lord Salisbury's views. The official leaflet issued from the Central Conservative offices pre-

vious to the last campaign, enumerated the following items of the party platform: (1) A firm Imperial policy; (2) a strong navy; (3) the referendum. Now, I am sure that the Conservative party in England has in the past moved as slowly as any party could move and exist. I do not know but it is going somewhat slowly still on some political questions, but, notwithstanding its immobility and its conservatism on general principles, it has accepted as one of its party planks the referendum on some questions. I have also a quotation from Mr. Lecky, member of Parliament, and author of "Democracy and Liberty," in which he points out the advantages of the referendum: "The referendum would have the immense advantage of disentangling issues, separating one great question from the many minor questions with which it may be mixed. Confused or blended issues are among the greatest political dangers of our time. It would bring into action the opinion of the great silent classes of the community, and reduce to their true proportions many movements to which party combinations or noisy agitations have given a fictitious prominence. The experience of Switzerland and America shows that when the referendum takes root in a country it takes political questions to an immense degree out of the hands of wire-pullers, and makes it possible to decide them, mainly, though not wholly, on their merit, without producing a change of Government or of party predominance."

I have also the opinion of Mr. Strachey, the editor of the London *Spectator:* "The most democratic measure conceivable is the referendum. No one who upholds that institution can be accused for a moment of not trusting the people or of failing to acquiesce in the principle that the people themselves constitute the ultimate sovereign power in the nation. That is the true touchstone. The man who refuses to agree on the referendum may be a good Jacobin—one, that is, who holds certain abstract views as sacred—but he cannot be true to the essential principles of democratic government."

Miss Willard's View.

The late Miss Frances Willard, for many years President of the Women's Christian Temperance Union, a woman of superior culture and of great insight, said of the referendum: "I believe in direct legislation, and think it is so greatly needed that language cannot express the dire necessity under which we find ourselves. The reign of the people is the one thing that my soul

desires to see. The reign of the politician is a public ignominy. I also believe that direct legislation is certain to become the great political issue in the immediate future. The people are being educated by events. They are coming to see that there is no hope for reform under the existing system of voting. It is the duty of every citizen to carefully study this great question."

Just a word from another, a famous American, Dr. Lyman Abbott, editor of *The Outlook*: "In my judgment the remedy for the evils of democracy is more democracy, a fresh appeal from the few to the many, from the managers to the people. I believe in the referendum, and, within limits, the initiative, because it is one form of this appeal from the few to the many, from forces of abstract democracy to democracy, that is, the rule of the people."

What Is the Referendum?

I admit that in the minds of some of the hon. gentlemen of this House they look upon the referendum with some little fear and dread. After all, what is it? As Dr. Abbott says, "Democracy, and yet more democracy." It is but trusting to the electors. It is but removing from the sphere where we may be unduly influenced by deputations to a sphere where each man may, governed only by his own thought, and the responsibility which every voter feels with the ballot in his hands, express that opinion without fear, favor or affection. If that procedure would strengthen constitutional government, the sooner it is adopted the better. If that feature would give us a more judicial opinion upon a question upon which it is exceptionally hard under the present conditions to get an opinion, the sooner we adopt it the better. Then we have many precedents. I will not refer to the example of Switzerland. Australia a few years ago had the referendum on sectarian education, on the Bible in the schools, on grants to denominational schools. Then, referring to my own experience of the great commotion that was caused in this country in 1886—I think it was in 1886—on the subject of the Bible in the school, I am sorry that we did not seek then the referendum on that question, when I think of the hate and religious bigotry and prejudices that were appealed to, and the strife of religious feeling that entered into that contest. When I think of the hard things that were said on both sides, particularly on one side—(laughter)—I do feel as if anything that could prevent the country being overrun with a frenzy like that ought to be avoided, and the shelter of the referendum would be

a boon greatly to be desired. In Australia they did what we did not do. The constitution of the Australian Commonwealth was submitted by referendum to the people, and bills have been introduced into the Australian Legislature to make the referendum part of the constitution, but that was before the foundation of the Commonwealth, so that these bills have not been acted upon.

Popular in the United States.

In the United States every constitutional amendment—and every State of the Union except Delaware has the power to make constitutional amendments in that way—has been submitted to the people, and in every one of these cases, so far as I can ascertain, they are approved by a two-thirds majority.* The constitutional amendments are not only approved in this way, but various other matters are approved in this way. In fifteen of the States no law changing the location of the capital is valid without submission to popular vote; in seven States no laws establishing banking corporations; in eleven States no laws for the incurrence of debts, excepting such as are specified in the constitution.

In Use in Canada, Too.

The referendum has been very extensively used in Canada also. For instance, we have the referendum in many municipal matters. In school matters, if the trustees have any doubt or difficulty as to the location of a school site, then a referendum is held as to which site it shall be, and so on. We have had it in connection with the Dunkin Act, which was introduced in 1864, and in the Scott Act, in 1878. We have had local option on our statute books ever since confederation. A referendum was taken by Prince Edward Island in 1892, in Manitoba the same year, and plebiscites have been taken in Ontario, in Nova Scotia, and over the whole Dominion. The precedents for the referendum accumulate as we look them up. A referendum was taken in sixteen of the United States on the question of prohibition alone, so that the referendum is sustained by numberless precedents as the proper course to pursue under certain circumstances, and certainly as the proper course in regard to all legislation affecting the liquor traffic. I need not, therefore, fortify the

*In compressing his remarks, Mr. Ross omitted to add at this point the words, "of the legislature," and afterwards "by a majority in most cases of the electors."

action of the Government in considering this question of the referendum any further by precedent. They are overwhelming in every quarter of the globe, in Europe, Australia, in the United States; even in England a few years ago Sir William Harcourt introduced what is called a local option law, to become operative unless voted against by two-thirds of the ratepayers.

Lord Randolph Churchill had a similar bill, Sir Henry Campbell-Bannerman had one also. There was the Welsh bill and the Scotch bill; Sir William Harcourt's bill and Lord Randolph Churchill's bill, all involving the principle of the reference to the people. We are, therefore, fortified in the views we are taking by the strongest precedents.

The Basis of the Vote.

We come now to one of the crucial points in connection with the bill in hand. What should be the basis of the vote in a case such as we are now considering? On what basis should the judgment of the people be accepted as their ultimate, complete and conclusive judgment? I want to examine this point closely in the light of opinions from several sources. The referendum has generally been carried by a majority of the electors voting for it. In the United States when prohibition was first submitted in the various States, such was the case, but when it was embodied in the constitution of the State and made permanent, as it has been in four or five States, it became operative only on a vote of a two-thirds majority. (See previous note.) Some municipal by-laws are operative only on this large majority of two-thirds. The McCarthy Act, which was introduced in the House of Commons in 1883, and which was afterwards declared *ultra vires*, provided that local option should only be operative on a three-fifths majority. We, therefore, have the example of the United States in regard to changes in the constitution of the various States, and the example of the McCarthy Act, adopted by the House of Commons when Sir John Macdonald was Premier, calling for a three-fifths majority in the case of a permanent enactment affecting the liquor traffic. Besides, we have the evidence and the opinions of some of our strongest men.

Hon. Alexander Mackenzie's Views.

In 1877, when the question of prohibition was before the country, the late Hon. Alexander Mackenzie, then Premier,

speaking at Colborne, said: "I have always taken the ground that until public sentiment has reached such an advanced stage of maturity that we would be quite certain of a very large majority in favor of such a measure it would be unwise and impolitic to attempt to enforce a total prohibition of the liquor traffic." Mr. Mackenzie, you see, said that to enforce it a large majority would be necessary. In 1878, when the Scott Act was passed, and the measure was before the Senate, one of the strongest prohibitionists whom I have had the honor to know, and who for many years was President of the Dominion Alliance, Senator Vidal, was anxious that an easy mode should be provided whereby the bill could be put into force in the Provinces, or, in other words, whereby we could have Provincial prohibition, as well as prohibition by counties and cities, and speaking on that view of the case, he said: "I am perfectly satisfied that unless this measure receives the support of a large majority of them (the people) it must be inoperative." Senator Aikin, on the same occasion, said: "I think it would be most unfortunate if public sentiment was not educated up to that state where a decided majority of the people were in favor of the law that it should be applied in any province."

Opinions of Prominent Men.

Another distinguished leader of the temperance movement in the same discussion—I refer to the late Senator Allan—moved an amendment, providing that it should only be enforced by a majority of the whole number of electors qualified to vote for a member of the House of Commons. Another well-known public man, Hon. Mr. Campbell, did not believe that law which so seriously affected the liberty and property of a certain portion of the community should be enforced by a bare majority of the votes.

Senator Dickey said:—"It would be a great misfortune to undertake to put this law into force in any community where there was not a decided preponderance in favor of it—not a preponderance of the active, enthusiastic people who chose to go out and cast their votes and exercise themselves on this question, but a decided preponderance of the whole body of the electors."

These are the views of prominent Senators, and some of them active temperance men. Mr. Mackenzie, when the subject was before the House of Commons, repeated in substance the state-

ment I have just quoted. He said, "His mind had always been that the community had a perfect right to protect itself by a law of this kind. On the other hand, he quite admitted that there was almost an absolute necessity that there should be a strong, if not universal, opinion in favor of the enactment. A measure which even apparently restricted the members of any portion of the community on general grounds affected the whole community; and for this reason he would never favor the enactment of a prohibitory law which was not subject to the test of the vote of the people, until he was satisfied that there was an overwhelming majority of the whole community in favor of such a measure."

Sir Leonard Tilley's Experience.

Among those who spoke on the subject of prohibition in the House of Commons debates in 1884, and with whom I had the honor of a place in the House in my early Parliamentary career, was Sir Leonard Tilley, regarded by all of us early temperance workers as the advocate of temperance and prohibition par excellence. The proposition was before the House of Commons on motion of Mr. Foster:—"That this House is of the opinion, for the reasons hereinafter set forth, that the right and most effectual legislative remedy for these evils is to be found in the enactment and enforcement of a law prohibiting the importation, manufacture and sale of intoxicating liquors for beverage purposes," to which an amendment was moved as follows:—"And this House is of opinion that the public sentiment of the people of Canada calls for immediate legislation to that end." Sir Leonard Tilley spoke against the resolution, and in so doing related some of his own experiences. He became Premier of New Brunswick in 1885, and passed a prohibitory law. It was not in operation more than six months—in fact, I do not know whether it was in operation so long as that—when Sir Leonard, owing to the action of the Lieutenant-Governor, had a dissolution of the House forced upon him. An election followed, and Sir Leonard Tilley and many of his colleagues were defeated, and only two or three of those who supported the prohibition measure were returned. Drawing from a wide experience and with an earnest desire that his words should be helpful to the temperance cause, Sir Leonard speaking to the resolution, said:—"I can understand the delicacy of an hon. gentleman voting against the last amendment, as a temperance man

and a prohibitionist, because as such he would seem inconsistent, and I noticed cheers when my name was called as voting against the immediate adoption of prohibition, but I did so because I believe it is in the interest of temperance that we should not enact a law that will not be enforced. I speak with the experience I had thirty years ago, and have had ever since 1856. When the convention was held in Montreal, I was written to by one of the leading friends of temperance, asking my opinion. I was unable to be present, but I wrote a letter in reply, which letter Mr. Ross read at a convention held in Ottawa. What was the opinion I then expressed? I stated that if they decided to submit the proposal to the popular vote they should not suggest less than a three-fifths vote, because if carried by a bare majority, and without public sentiment behind it, the law would fail, and the cause of temperance would be damaged instead of benefited. . . . If a prohibitory law were enacted to-morrow I am satisfied it could not be enforced, and nothing could do more damage to the cause of prohibition than the enactment of a law, followed by its non-enforcement and ultimate repeal. It would then take us a century to get back to our starting-point." That is a very strong expression. Perhaps it could not be from any other source in which I have greater confidence; an expression calling for thought, giving an experience of twenty-five or twenty-six years in the temperance movement, in all its ups and downs, flows and ebbs in Canada and the United States, and it is worthy of the most careful consideration.

A Great Majority Required.

Another very active member of Parliament, and a member of the Dominion Alliance, was Mr. Dixon Craig, who expressed his opinion in 1896, when the subject of prohibition was before the House. He says:—"But we must admit, and I admit it frankly, that this question of a prohibitory law is a most difficult one for any Parliament to deal with. I claim that a prohibitory law must have a great majority behind it, not only of those who vote, but of all who have votes in this country. It was a great weakness in the Scott Act that it required for its adoption only a majority of the votes cast. It would have been far better if it had required a majority of all those entitled to vote, because in some cases very little interest was taken in the election, and the majority of the voters were not represented. The law must have a great majority behind it to be effective.

It is no use placing such a law on the statute book by a bare majority—in fact, I would be opposed to it." And he spoke in a similar strain in 1898.

A Preponderating Sentiment.

And then I have a quotation from Mr. Foster in 1891, in which he takes a similar view. I will trouble the House with reading as little of it as may be necessary to put his views fairly before you. Mr. Foster in 1891 said:—"I said that I believed in the feasibility of a prohibitory law under certain conditions. What are these conditions? I will name but one. That is, the condition which follows as a logical sequence, as a necessary deduction from what I have just been stating, that before a prohibitory law ought to be enacted, and before it can be maintained so as to do good in the country, there must necessarily be the basis of a strong and preponderating public sentiment in its favor, in order not only to lead to this enactment, but to tend to its enforcement as well; and I say again, what has been quoted as a reproach to me, and I say it boldly and earnestly, that that man is no true friend of the temperance cause, or the prohibition movement, who will enact a law to-day if he does not firmly believe in his heart that that law finds its reflex in the overpowering conviction of a preponderating and active majority in the country in favor, not only of its enactment, but enforcement as well, and that he would do the worst possible to the cause of prohibition to snatch a verdict for the enactment of the law and find out afterwards, if it were not a reflex of such a preponderating sentiment in the country, that it would become a dead letter on the statute book, a by-word in the community, and a reproach to the very temperance men who favored its enactment."

In a Judicial Mood.

He repeated similar sentiments in 1898, with which I will not trouble the House. Now, these views are the views of temperance men, and I am not giving them with regard to their politics at all, because they are not of one shade of politics, but I am giving them in order that we may endeavor to put ourselves in a judicial mood, and that the country should endeavor to put itself in a judicial mood, and consider, when such a law is being submitted and considered by the electors, if the sentiment in favor of it is preponderating, is so great as to give it

vitality and efficiency. The men whom I have mentioned were leaders; some of them are leaders to-day, and those who are leaders must necessarily study public opinion, and must necessarily give thought to every legislative act which they are required to consider. The thoughtful opinion of these leaders is in the direction that a large and preponderating majority is required, and no snatch verdict, because in New Brunswick and some other cases a snatch verdict resulted disastrously to the temperance cause. Another circumstance indicates the necessity for calmness. We have had Local Option on the statute book since 1864. To-day it is enforced in only twenty-one municipalities. I mentioned in my opening remarks that something like 174 municipalities gave no tavern licenses. That was the action of the License Commissioners. It was not felt that they were required. But only three municipalities to-day, after 36 or 38 years' experience with the Dunkin Act, keep that act as a by-law operative within their borders.

Scott Act's Educational Effect.

The Scott Act was carried in twenty-six counties and in two cities, and it was repealed in all. It was carried by majorities aggregating 151,000 in round numbers, and repealed by majorities aggregating the same number, so that there was a very decided change in public opinion. Now, the Scott Act is not to be under-estimated nor discredited as a temperance factor; yet it is very disappointing to find it cast aside in every instance where it was adopted. The effect of the Scott Act was educational, and it may have done a great deal of good; but as an efficient means for repressing the liquor traffic or arming the officers of the law with the power which it was supposed to afford them, the Scott Act has been discredited, has been found ineffective, and has not, excepting in an educational sense, done any particular good. This is another reason why we should proceed with some deliberation and care.

Prohibition in the United States.

And then, as Carlyle says, "History is philosophy teaching by experience." We might regard the United States in relation to prohibition. The prohibition was carried in sixteen States, and is now operating in five. A very curious record of ups and downs has prohibition had in the great Republic to the south of

us. In Delaware it was repealed after two years; in Rhode Island, after eleven years. Massachusetts had two trials—one of sixteen years and another of six years—and repealed it. Connecticut repealed it after eighteen years; Michigan, twenty years. Iowa has given it two trials extending over thirty-six years; Indiana, three years; Illinois two, and South Dakota eight. So that, in the United States, it would appear that this move had its ebb and flow. It was sometimes a tidal wave sweeping everything out of its way; then came a reaction. I do not know that these feverish and emotional expressions of opinion are the best, after all, for the welfare of the commonwealth. I would rather have a steady educational process, encroaching inch by inch upon whatever evils we wanted to remove, and holding every inch of the ground, thus making the goal of to-day the starting-place of to-morrow. I would much rather do this than make a further onslaught upon an evil, or supposed evil, fancy I had demolished it, and then find shortly afterwards that it had obtained additional vitality, and was thriving perhaps more freely and actively than in its previous state of existence. The experience of the Scott Act and local option in the United States warns us that in this matter we should proceed with some deliberation.

Origin of Referendum.

I now want to spend a few moments in considering the origin of the referendum as a temperance movement. I speak now of the referendum as distinct from the plebiscite. It is said by those who do not like the present party in power that we have invented the referendum to get us out of difficulties. Now, I cannot claim the paternity, the Liberal party cannot claim the paternity, of this measure of reform. The referendum originated in the Senate of the Dominion of Canada. You will find the first expression of approval of this kind of legislation brought down by Mr. Vidal on the 27th day of March, 1875.

I have here the report of the Senate committee, presented by Senator Vidal in 1875. But perhaps I should preface this by saying that in 1874 and 1875 an unusual number of petitions were presented to the House of Commons and to the Senate also asking prohibitory legislation. There were petitions signed by nearly 100,000 individual names; there were petitions from many municipalities, from the Legislatures of the Provinces, one from this Legislature. These petitions were referred to a com-

mittee of the House of Commons on one side, and a committee of the Senate on the other.

Proposed to Consult the People.

The concluding paragraph of the report is as follows:— "That, should the Government not feel satisfied that the indication of public opinion afforded by the numerous petitions presented to Parliament is sufficient to justify the early introduction of such a law, it would be desirable to submit the question to the decision of the people by taking a vote of the electors thereon as soon as practicable."

This was in March, 1875. This view of the proper procedure to take in such cases became somewhat more decisive in time. Members of this House who have followed this question during the last twenty-four years will remember that in September, 1875, a Dominion convention was held in Montreal, at which there were representatives from all parts of the Dominion, representatives of all churches and from all classes. A few days prior to the meeting of the convention the Ontario Prohihibitory League met in Toronto, and through its president addressed to the people remarks which I am now going to quote.

The President was Mr. Robert McLean, who said: "The question of prohibition is one that requires the greatest consideration on the part of any Government, however strong, before deciding to put a prohibitory law on the statute book. It is agreed on all hands that such a law, to be effective, must have an undoubtedly strong sentiment in favor of the law and its rigid enforcement. What, then, is the best method of ascertaining what public opinion is on this most important question? Some propose making it a test question at the polls. The experience of the past shows that very little dependence could be placed on the result of such a test. So many side issues would arise regarding men and measures that the question of prohibition would in many cases be lost sight of or be subordinated to some other issue. Others propose that a plebiscite be taken, thus affording each elector an opportunity of saying yea or nay to that question, irrespective of any other question of public policy. This would still leave the law to be passed upon by Parliament, which might or might not be done. The best way" —here is the point—"would be to ask Parliament to pass a stringent prohibitory law at its next session and submit it for the

ratification of the electors of the Dominion at the next general election."

Ratification Favored.

Now, this is the origin of the referendum on the question of prohibition, in the form in which we now have it. The convention which met at Montreal consisted of 285 delegates. All classes were represented. The Roman Catholic Bishop of Sherbrooke sent his approval in a letter to Secretary Gales; the Roman Catholic Archbishop of Manitoba also sent a sympathetic letter. Representatives were there from every Province in the Dominion except British Columbia. The convention was in session for several days. A Committee on Resolutions was appointed. This is the resolution adopted by the convention in 1875 :—

"That in order that a prohibitory law when passed may have that sympathy and support so indispensably necessary to its success, it is the opinion of this convention that the Dominion Parliament should be urged to enact such a law, subject to ratification by popular vote."

Now, if we are submitting this referendum in this year of grace 1902, we are only doing what the temperance men approved of by the greatest convention ever held in Canada in 1875, and we are therefore acting in good faith, so far as their requests are concerned, in submitting this law. Senator Vidal was President of that convention; I had the honor of being present at it myself. Still further, to give light on our action in this Parliament, I have the minutes of the Dominion Alliance for 1898-99, held in Ottawa. A committee was appointed to draft a resolution for the approval of the council and the representatives of the alliance present there.

The first resolution they recommended was: "An Act totally prohibiting the manufacture, importation and sale of intoxicating liquors for beverage purposes in any Province adopting such an act by a vote of the duly qualified electors." This was as late as the end of 1899. A committee was appointed to take steps to secure the introduction into Parliament of a resolution along these lines.

The Flint Resolution.

That committee made a report on the 20th of April. The committee perhaps was not very numerous. I do not know

many of the members personally. I see the Hon. J. C. Aikins, Senator Vidal, Major Bond, Mr. F. S. Spence were there, a representative from Prince Edward Island, Mr. Jas. McMullen, and others I do not know personally. It was not a very large committee, and I have mentioned most of the members. The committee recommended a bill in favor of prohibition to be submitted to the electors. Acting on instructions from that meeting, Mr. Flint, on the 28th of July, in the same year, introduced a motion into the House of Commons, the first two clauses of which I will read :—

"(1) That, subject and except as hereinafter mentioned, the sale of intoxicating liquor in every Province and Territory in Canada should be prohibited.

"(2) That the act prohibiting such sale should not come into force in any Province or Territory unless and until a majority of the qualified electors therein, voting at an election, shall have voted in favor of such act."

In speaking on that resolution, as you will see by referring to Hansard of that date, Mr. Flint said : "This resolution, as a majority of hon. gentlemen are aware, emanates from the Dominion Alliance, an association which has been for many years doing good work in connection with the prohibition of the liquor traffic in Canada." I agree with that too.

"It is the aim of the alliance to represent the general public sentiment of those who believe in a prohibitory liquor law for the whole Dominion as the proper goal towards which citizens favorable to the progress of temperance should labor. I would have much preferred had more time been placed at the disposal of those who sketched out this line of prohibitory effort that it could have been incorporated in a bill. After discussion this resolution was sketched out, and I trust no one will treat it as if it were an attempt at a complete exposition of the case from that standpoint."

The third clause of Mr. Flint's resolution was as follows:—

"(3) That upon such vote in favor of said act being duly certified to the Governor-General in Council such act shall be brought into force in said Province or Territory and shall remain in force therein for four years and thereafter until the same shall have been repealed in said Province or Territory. Such repeal shall not take effect therein until a majority of the qualified electors in such Province or Territory vote for the repeal thereof; the proceedings for such repeal to be similar in all respects to those bringing the act into force."

The Majority Meant.

MR. WHITNEY: Is the majority mentioned there a majority of the total qualified voters?

HON. MR. ROSS: That is a little ambiguous, but I will give it to you as I understand it. It reads a majority of the qualified electors therein, and then the resolution proposing the repeal reads in precisely the same terms: "The said bill shall not take effect therein until a majority of the qualified electors in such Province or Territory, voting at an election, shall have voted for the repeal thereof." It does seem grammatically very clear, that Mr. Flint and the Alliance then committed themselves to the majority vote, a vote of the majority of the electors.

MR. WHITNEY: In favor of the bill; the repeal would require a larger majority.

HON. MR. ROSS: A majority of the electors. I am bound to say that in reading the debates on that occasion I observe that one member—I think it was Mr. Bell, of Prince Edward Island—referred to the resolution as meaning not a majority of the electors, but a majority of those who voted; but, as I said a moment ago, the resolution appeared to me to mean a majority of the electors.

The Alliance Manifesto.

In following out this the Alliance issued a manifesto to the people of the Province in which they said: "The legislation proposed in the report of the committee will be a long step in advance. It will enable each Province to secure prohibition of a more thorough and effective kind that could be enacted by a Provincial Legislature. The further voting proposed will be not like the plebiscites already taken, mere expressions of opinion, but actual law-making action bringing prohibition into force by a majority vote in any Province. Voting should be at next general election without any petition."

There the words are, "by a majority vote in any Province."

That brings us to the position practically in which we are now. If we be charged with acting from political motives and shirking our responsibility we have a pretty good answer in the action of the Alliance and the resolution they adopted. I do not know if this meets the approval of the Alliance or not; perhaps they do not know what we propose. When they do I sincerely trust our course will meet with their approval.

The Government's Pledges.

One thing more in this very discursive address, and I have done. I will go back, if my hon. friend from North Toronto (Mr. Marter) will allow me, to that interesting period in the history of the House when the hon. member brought in a bill, known as the Marter Bill, in 1893. At that time various deputations waited upon the Government and asked for Provincial prohibition. Sir Oliver Mowat, who was then Premier, was not clear upon the question of jurisdiction. He therefore framed certain questions which were subsequently referred to the Privy Council, and on which the opinion of the Privy Council was afterwards obtained, and I am sorry to say, without any reproach to the Lords of the Privy Council, that I never could quite clearly understand what their decision was. However, the Legislature of Manitoba and also of Prince Edward Island introduced what was known as a Provincial prohibitory law. That of Manitoba has stood the test of the Privy Council, and therefore it acted within its constitutional limitations. Now, going back to 1894, we are confronted with the pledges which the Government are said to have given to the prohibitionists at that time. On the 26th of February, 1894, a large deputation waited upon us. I had the honor of being present as a member of the Government, and we were asked what we were going to do if prohibition would be within the competence of our Provincial Legislature. Sir Oliver Mowat's pledge was, "If the decision of the Privy Council should be that the Province has the jurisdiction to pass a prohibitory liquor law as to sale, I will introduce such a bill at the following session if I am at the head of the Government."

Relation of the Manitoba Bill.

I think we can safely say, I do not think we need at all to exercise any ingenuity or casuistry in saying, that the prohibition bill adopted or passed by Manitoba is not a prohibitory liquor law as to sale, but it does prohibit the sales in hotels and in clubs, and in private boarding-houses. It does not prohibit the sale in drug stores, nor to citizens of Manitoba who desire to buy it from outside the Province. I do not think that that pledge of Sir Oliver Mowat's was covered by the Manitoba Act. The next pledge is somewhat different: "If the decision of the Privy Council is that the Province has jurisdiction to pass only a par-

tial prohibitory liquor law, I will introduce such a bill as the decision will warrant, unless the partial prohibitory power is so limited as to be ineffective from a temperance standpoint."

Bound by the Pledges.

It would be unworthy of me to attempt by any verbal or technical or metaphysical distinction to explain away the force of that pledge. I think I could make out a very strong case that some features, at all events, of the Manitoba law would not be effective from a temperance standpoint. The public estimate, however, or appraisement of that pledge, was that whatever Manitoba would do we would do, and I would rather take the responsibility of redeeming the pledge in that frank and open way, in which it was accepted by the public, than attempt by any word of mine to explain it away. We took the public into our confidence, and stated thus and so, and the public understood us to mean that when partial prohibition was introduced by Manitoba we would do likewise, when it was shown to be within our constitutional limitation, acting on and fulfilling that pledge to its very letter, without any reservation or misgivings either way. But some will say this is not a fulfilment of our pledge, to introduce a bill and refer it to the people for approval, and that we should introduce the bill on our responsibility as a Government, and in the heroic language of our opponents, "stand or fall by it." I do not know what Sir Oliver Mowat had in his mind, or whether he proposed introducing the bill on his responsibility as Premier. I cannot attempt to say what was in his mind.

Change in Public Sentiment.

Public opinion at that time was particularly active on the subject of temperance. I do not want to apologize if it be said that we have shifted our ground from Sir Oliver Mowat's time, that is, within the last eight or nine years. Everybody will admit that temperance sentiment in Ontario is not as intense, as deep and as strong as it was then. In 1894, when the first plebiscite was taken, the majority for prohibition was 80,000. In 1898, at the second plebiscite, it was under 40,000, a great falling off in those four years. I hope there is no further falling off in that sentiment which makes for temperance and sobriety; and without seeking to justify my action by what I think everybody will admit is a change in public opinion, a change which is

widespread, I take the strongest ground, and I shall take it as original ground, that the wisest thing for the temperance men and the wisest action for the public men of this country is to let the people judge between them as to what is the state of public opinion on this question.

The Later Pledges.

That is what I propose to do, and I do that assuming, as I do, to a certain extent, full responsibility, or a certain measure of responsibility, for the promises which Sir Oliver Mowat made, promises which were assumed by Mr. Hardy in March, 1897, when he said: "We take the responsibility; we were parties to that pledge. We were parties to drawing the declaration, and we stand by it, and we will not be driven from it because people tell us in a moment—I think sometimes of recklessness—that we have violated our pledge."

That is what he said in March, 1897. I stated to a deputation which waited on the Government since I had the honor of becoming Premier, that I would not recede from the position taken by my predecessors on this question. I further said to a deputation on March 31st, 1891, that the Government were always prepared to go as far as the law would allow, and I had not receded from that position. A week later I said to a deputation representing the Methodist Church: "You know what our past record has been, what our predecessors have agreed to, and what is the general policy of the Government upon that question. That need not be repeated over and over again, because you know exactly where we stand. We stand where we always stood."

We promised in 1894 that we would go to the full extent of our constitutional limitations, and, as I said a moment ago—the House will pardon the repetition—I am assuming that that promise implied a responsibility on the leader of the Government following Sir Oliver Mowat.

The People the Judges.

We have not receded from the substance of that. We are doing in substance what Sir Oliver Mowat would have done in 1894 if we introduce a bill to the full extent of our constitutional limitations, and we are going to ask the people to accept the substance of our constitutional limitations as our pledge and our

duty to the country. We are asking the country to consider and review the position taken in 1894, and to see whether at this moment, or when this bill will be submitted, the sentiment of the country is that it can be effective. I am aware that we shall be censured by some hon. gentlemen opposite for the course we have taken, and I can anticipate what some of the hon. gentlemen and some sections of the press will say. Well, I have no misgivings about that. Henry Clay said, "I would rather be right than President," and I would much rather submit the bill under consideration that would give us an honest expression of opinion than introduce it under conditions with a view to securing a "factitious" vote It is under these circumstances that we cast the responsibility of legislation of this kind on the people, and if they are capable of saying who shall occupy seats in this House they are capable of judging as to what is the right course in a matter of this kind.

Not Another Plebiscite.

I do not agree with the view that this referendum is another plebiscite. The first plebiscite was a much more comprehensive expression of opinion than is involved in this bill. By the Act of 1893 the question which was submitted was as follows: "Are you in favor of the prohibition by the competent authority of the importation, manufacture and sale, as a beverage, of intoxicating liquors into or within the Province of Ontario?" That was the clause of the Act on which the vote was taken, and the ballot on which each elector voted contained this question: "Are you in favor of the immediate prohibition by law of the importation, manufacture and sale of intoxicating liquors as a beverage?" This plebiscite, which provided for the immediate prohibition by law of the importation, manufacture and sale of intoxicating liquors as a beverage, was a sweeping law indeed, but the Dominion plebiscite of 1898 was, if anything, a little stronger. Clause 3 of the Dominion Act reads: "Are you in favor of an Act prohibiting the importation, manufacture or sale of spirits, wine, ale, beer, cider, and all other alcoholic liquors for use as a beverage?" We should have had a dry time indeed if beer and cider, and all other liquid refreshments were prohibited. The ballot on that occasion read: "Are you in favor of the passing of an Act prohibiting the importation, manufacture or sale of spirits, wine, ale, beer, cider, and all other alcoholic liquors for use as beverages?"

A Straight Question.

Now you will see that we voted in those two plebiscites on a much broader question than we have a right to cover by the bill which we are now bringing down. We were voting then upon a question, and everybody construed into the ballot his own thought as to what prohibition might be, and what it involved. We are not now voting on a question at all. Massachusetts once voted on woman's suffrage. New York voted on the question of prison labor. We voted once, in Toronto, on the question of Sunday labor. These are questions different from by-laws. The referendum involves the submission of an Act. We are submitting an Act which, if it passes the House, will become law under certain conditions. The fact that we have taken two plebiscites on an abstract question does not in any way affect our voting for a bill which contains the means of its its enforcement, penalties as to its violation, and sets out the full scope of its restrictions so far as the liquor traffic is concerned. We propose that the referendum shall be based on Parliamentary franchise, that is, we are going to say that those who are qualified to send members to the Legislature are qualified to say whether prohibition is, in their opinion, a desirable social condition, or otherwise. It has been said, in some cases, that it would be better if the vote was taken on a municipal franchise, but we rather prefer keeping within the lines that control the action of this Legislative Assembly.

The Question of Majority.

The next point we have to consider, and one of the most difficult ones, is the majority on which it should be made operative. I say, without hesitation, that I favor very strongly the majority of electors on the voters' lists. That is a majority of the whole people. But there are some practical difficulties in carrying it out which we have to consider. If you take the list of qualified voters and say that the majority of these shall make a prohibitory law, there is still a considerable number of absentees whose vote cannot be registered. Many people have died in the meantime also, and that mode is, to a certain extent, handicapped. You cannot take a majority of voters on the list, although this is a question, largely, for the whole people, I mean for the whole voting people, and the more electors who come out

and express an opinion the better. It has been suggested, therefore, and the weight of opinion is greatly in favor of it, that there should be a large majority, that we should take some percentage. You will have noticed in the opinions that I have read that Sir Leonard Tilley favored three-fifths of a majority, and that is a large majority. You will have seen from the newspapers, and by the opinions of several clergymen and other leading men, that three-fifths and two-thirds and other majorities are spoken of, and all the religious papers are in favor of a substantial majority. There seems to be, therefore, in the air, and in all circles, a feeling that if this law is going to be efficient it should have something stronger to back it than was the case in the Scott Act, which had only a bare majority. The opinion as regards a three-fifths majority is a basis for which something can be said, and against which some objections can be made. It may involve but a small expression of public opinion. In 1894 only 57 per cent. of the vote was polled, and only 46 in 1898. Any expression limited in its area, or any vote that does not give a large enough majority to insure the law being observed, will not be a sufficient mandate to the Legislature to put that law into operation.

The Majority Required.

We were, therefore, obliged to abandon the idea entertained at one time of a majority of three-fifths, and we ultimately settled down to this view—that the vote should be based upon a majority of those who in the next general election elected the Parliament of the Province of Ontario. Let me be concrete. We usually poll 400,000 votes in a Provincial election; we may poll 440,000. In a keen contest it runs from 72 to 75 per cent., and in some cases over 75 per cent., but very seldom 80 per cent. If more than one-half of those who make this House, and who make and unmake political parties in this House and country, vote in favor of a prohibitory liquor law, then a prohibitory liquor law will be enacted. That is the view we have finally settled upon. Thus we will make the majority of the electorate rule. We let the majority of the electorate rule in a question of this kind, and we say with the utmost frankness that if we can trust the people of this country to change the complexion of this House by a majority vote, we can trust the majority of the people to change the social order of things. The majority of people in the United States make or unmake a President; a majority of people in the United Kingdom make or unmake the

Government. Governments are important and Presidents are important, but it is more important for the moral well-being of this country that we should not by the legislation of a small portion of the people put on the statute book a prohibitory law which in a short time will be repealed, and behind which there was not a sufficient public opinion, and which will so discredit the temperance movement that it will not rally for twenty or twenty-five years. We are greatly impressed with this view of the question, which has been strongly represented to us, that a bare majority should carry. A bare majority in a case of this kind is a very different thing to a bare majority even in the election of members of this House. It is a very different question. It will create a condition of things which will affect in this Province some $30,000,000 or $40,000,000 worth of property, which will affect the occupation of ten, fifteen or even twenty thousand people. It will affect the varied industries dependent upon the trade of intoxicating liquors for their existence. I do not say it is revolutionary; that is too strong a word, but it would be such a change in so many occupations and callings, and it would so antagonize those who would be materially affected therewith, in the first place, that unless the majority at its back is strong, it would go under as the Scott Act went under, as the Liquor Act went under in the Province of New Brunswick, where it carried practically by a two-thirds vote. I do not like trying experiments in legislation. I do not like what is commonly called " backing and filling."

Wise Government Will Consider.

I think a wise Government and a wise Legislature will resolutely and with purpose sit down and consider whether it is putting its hand to a law that is going to be effective, and with the same earnestness as I speak to you, sir, I say to the people of the country that never in the history of the Province of Ontario, so far as the question of prohibition is concerned, should they more seriously consider the step they are taking, not simply because it is going to be a restraining influence, presumably upon the liquor traffic, but to see whether the step they are going to take is one which they will not be obliged to retrace subsequently in a few years. Nothing has been more ruinous to the progress of temperance reform than the accidents which have befallen the result of temperance legislation in cities, towns and counties. We want to guard against those accidents,

but I think it is a most reasonable thing that if a majority of the people of this Province say the time is ripe for prohibition they should be allowed prohibition.

Date of Voting.

We next propose, that the voting shall be held separate from the municipal election, and from the Provincial or Federal election. We have fixed in the act the second Tuesday in October as the day for taking the vote, assuming, of course, that the election to this House will take place in the meantime. At that time we will know how many votes were polled in the Provincial election, and when the returns are in we will know how much of a majority is required to make prohibition effective. I am aware that some temperance men think we should not do this, but hold the election at a municipal election. Now, I do not want to furnish any excuse for myself in going to the polls to vote for prohibition, and what I do not ask for myself I give to no other. I do not want a person to excuse himself going to the polls to vote for prohibition simply because he is going to vote on a municipal election. We say our Provincial elections to this House are solemn and important occasions. It is a solemn thing to say who will be our legislators for the next four years, and it is even a more solemn thing for the people of Ontario to say what shall be the policy of the Province of Ontario for the next four years, or, it may be, for the next forty years, for all I know, on the temperance question. To mix up that act with the election to the municipal council would be to weaken the force of the act, would be to weaken the responsibility of the elector, would be to dim the judicial state of mind in which he should be when he went to the ballot-box in order to discharge that duty to the State. I do not think, I do not entertain for one moment, the suggestion that the elector should not be put to this trouble. I have voted for most of the plebiscites. It took ten minutes of my time in each case. I voted for the Scott Act and took the platform on its behalf for a week, and did not begrudge the time. Any temperance man who will begrudge the time in going to the polls to vote for prohibition will be of very little use in enforcing prohibition should it become operative. What we want is earnest, strenuous men. It is the time for strenuous men, as Roosevelt would say. It is time for men to have a little heart-searching, and see if this is going to be effective, and, if so, they will go to any amount of

trouble in order to record their vote, and do so without any hesitation. And so we name the day in the act now, so that those who wish to consider what they are going to do will have ample time to ponder on this thing.

Mr. WHITNEY: What course will you pursue in the case of an election by acclamation?

MR. ROSS: In the case of an election by acclamation, when the percentage is struck for the whole Province, if there is, say, 75 per cent. of the votes polled, then 75 per cent. will hold where there has been an election by acclamation.

The Question of Revenue.

There are two other considerations which I will submit to the House in a few words. This bill not only involves serious changes in the business of a great many people, and a change perhaps in the social organization of many families, but it also means a substantial loss of revenue. I have always taken the ground that we should never consider loss of revenue as against the moral advantages of prohibition and temperance where they were in force. I have said so years ago. I have said so in the House of Commons. I say so now, that if it is a matter of choice between loss of revenue and the evil consequences to flow from intoxicating liquors, we could very well afford to give up the revenue, providing the evil consequences of intemperance could be prevented. That is the only judgment I have had, and yet we must not be blind to the fact that there will be a substantial loss of revenue. The holders of licenses pay into the treasuries of the municipalities and the Provincial treasury a revenue of about $700,000 in tavern and shop licenses, and the licenses on distilleries and breweries. Of this sum the Province receives $376,000. We could adjust our finances to that loss without much difficulty. No doubt the municipalities could adjust their accounts to the loss they would suffer. I mention this as one of the points to be considered in coming to a decision as to what should be done.

Question of Compensation.

Then there is the larger question of compensation. It has been said that any legislation dealing with the prohibition of the liquor traffic would not be just without compensation to those whose business is affected. The bill does not deal with

this phase of the question, as it would be needless to provide the machinery for such purposes until the bill had passed. Some of England's greatest statesmen, Mr. Gladstone and Mr. Chamberlain, expressed their approval of the principle of compensation. My own view, as expressed on several occasions, and many years ago, is, if we could be entirely relieved for all time of the evil effects of the liquor traffic, the purchase of the vested interests of those concerned would not be too big a price to pay.

MR. WHITNEY: Is there anything about it in the bill?

MR. ROSS: No, for the reason given. I merely mention it here as one of the matters to which our attention was called by some of the deputations that waited upon us, and which, it was alleged, we should consider in the event of the bill becoming law. If considered at all, it must be by some future Legislature. I am making a general statement now as to the views that were presented, without assuming any obligations as to the future. I do not know as to some departments of the trade that compensation would involve very large expenditure. In regard to others it wouid involve considerable expenditure. That is a question we cannot ascertain or even guess at intelligently. The money invested in the trade is put at some seventy odd millions of dollars. How much of that ought to be recouped to those in the trade no one can tell at this distant point; the whole question is one that would have to be relegated to a commission, as a case is sometimes referred to the Master in Chambers, and threshed out.

Pledges Redeemed.

I have given pretty fully the circumstances which led to the adoption of this bill, and an explanation of the main features of the bill so far as putting it into operation is concerned. On the second reading we will deal more fully with the clauses of the bill dealing with the liquor traffic itself. I hope it will be felt that this bill is in the public interest. I hope the bill will be received by the people as a fulfilment of any promise we have made. On that I am as anxious as on the other point that the bill will be received as an effort on the part of the Government to promote legislation for which there have been many appeals in this House. The next hope is, should the bill become law and receive the necessary endorsement of the people, that it will be made an effective instrument for elevating the morals of the country and preventing evils which we know are serious in every walk of life. It is a new departure in many ways; it is

a new departure constitutionally, and it is a new departure legislatively. The principle of the referendum is a new thing. The features of the bill are so new in many other respects I can only ask the House, with the utmost care, to consider its meritorious clauses, and the circumstances with which members of the House are more familiar than I am, in order that when the bill receives the approval of his Honor the Lieutenant-Governor it will have been perfected by the members of this Legislature with the utmost care.

As the Premier resumed his seat he was heartily applauded by his supporters.

REPLY

OF

HON. G. W. ROSS

To the Deputation of the Dominion Alliance on 26th February, 1902, in reply to Rev. Dr. McKay, who introduced the Deputation

On the 26th of February a deputation of the Dominion Alliance waited on Mr. Ross. The deputation was introduced by the Rev. Dr. McKay. The following is Mr. Ross' reply:—

You have put your case with a great deal of force and point and earnestness, as we expected you would have done. I have not had time to read the report of the meeting yesterday, except briefly to glance over it, and from what I did see, I assume that the convention yesterday was as enthusiastic as the deputation to-day—

DR. MCKAY and others: More, more. (Laughter.)

THE PREMIER: Probably more so. Well, between yesterday and now you surely could not have cooled off very much. (Laughter.) Enthusiasm is a good thing, and is needed in a cause like this. When we approached the question of prohibition— partial prohibition as it is, and as Dr. Carman characterizes it—we were confronted with this condition of things: We had a good license law, though susceptible of improvement, as all laws are—otherwise parliaments would cease to exist. The country had twice pronounced in favor of complete prohibition, that is, the prohibition of the importation, manufacture and sale. We had before us a law for partial prohibition, which was little more than could be accomplished under our license law alone. It was not what the temperance men had asked for, it was not what many of the temperance men of Ontario had been led to expect, and we had to decide whether, even although the country had pronounced on prohibition out and out, it were wise for us to cast aside the license law—and that is what this means if prohibition prevail—and take upon ourselves as a Government the responsibility of adopting partial prohibition. You may say

that the country has spoken out as to total prohibition; so it did, somewhat emphatically in both instances; it had never spoken on the question of partial prohibition. And we, therefore, had to consider what we were to do. The temperance men were urging that we should do something this session. We hadn't a mandate from the people for prohibition of this kind, no election had turned on it, no man had been sent to Parliament with authority from the people to advocate any such cause; if he had any authority or quasi-authority, it would be for total prohibition. As the matter was urgent, the Government said: "No, we will not take the responsibility of casting into the waste basket the license laws," and they said, inasmuch as local option and the Scott Act, which were in each case a form of partial prohibition, had been submitted to the people by referendum, that in this case we would take the same course, and follow the old precedent. The precedents were so strong that they governed the Parliament of Ontario, as to local option since Confederation and the Dominion Parliament which passed the Scott Act, since 1878, and in both instances the referendum had been accepted as the policy of Parliament. As you see, the precedents were so strong that the Government did not feel justified in passing a partial prohibitory liquor law, and a complete prohibitory liquor law we could not give. We had to take a middle course. We could have brought in this bill, submitted it to the House and see what its fate might be. I can't say what its fate might have been on a vote in the House if we had proposed direct legislation, and I can't say what the fate of the Government would have been if they had assumed it as a Government measure, but we thought, as the people of this country are sovereign, and had already accepted the referendum in the liquor law up to a certain point, that to ask them to go a little further was not at all unreasonable. I do not think it was unreasonable, with all respect to what has been said. You say the referendum is not constitutional; high authorities, and the authorities that guide Parliament, say it is constitutional. I propose to follow the high authorities on constitutional law. When it comes to good Calvinistic doctrine I go to Dr. McKay, and for Arminian theology—and there is no one whom I would sooner consult than he—I go to Dr. Carman. But in law, I follow the constitutional advisers, and many of these are not aliens to the temperance cause, for I understand that Dr. Maclaren has not said it is unconstitutional. If its constitutionality is settled, then the whole

force of the criticism of the bill lies against the course we have pursued. Have we followed a proper course? Is it a right thing for the Government to trust the people to take a third or fourth step, having already taken two? I propose to trust the people, that is up to that point. The next question which confronted us was, if a prohibitory liquor law was passed what would be the end—for a wise man endeavors to see the end from the beginning, if he can. We know what the end was in the case of local option; it was passed by a large majority. We know the end in every case here of the Scott Act. It was passed in twenty-six counties and two cities, by a large majority. Dr. McKay and I have labored together on the same platform in favor of the Scott Act, and if the enthusiasm of two vigorous men would have made it conclusive, it ought to have been successful. It was not. It was repealed. In the United States prohibition was adopted in sixteen States and repealed in eleven of them. I put it to you as reasonable men, if you were in my place, responsible for the legislation of the country, would you have advanced legislation in favor of partial prohibition where it had been found almost invariably to fail? I don't think one of you would have done so. Having found in the United States a system of voting and basis of legislation which in so many cases—every one except five—has failed, would it not have been the maddest thing for us, the most inexcusable folly for us, to abandon the license laws and project the country into partial prohibition, which would have been repealed when it was found to be working unfavorably, and which would in the meantime place us in a position of turmoil and confusion which, in my opinion, would be very injurious to the temperance cause.

We know the general tone of public opinion in favor of a bare majority, but as public men—you may call us politicians if you like—responsible for law and order, the Government had to deal with still another consideration; and if, as happened in the case of the Scott Act, there was an unusual amount of law-breaking, and if there were serious trouble in making the Scott Act as effective as the license law has been, and if the benefit to the temperance cause, by the suspension of the drinking habits of the people, was not material, as the figures show at least under the Scott Act, then, as I said before, should we submit a measure, which, perhaps, would be more stringent than the Scott Act, on a new basis, or stand by well-established precedents? Our first thought was that we should assume the full responsi-

bility of this bill, as sustained by the Judicial Committee of the Privy Council. We do not propose to alter it, because in so doing we may destroy it. The line of constitutional demarcation is very fine, and any such alteration might put it out of Court. We take it as the Judicial Committee gave it to us. After having agreed that we would take the Manitoba Act, we then began to consider on what conditions we could make this Act effective? Now it is easy to believe, and it is too often the case, —you will permit me to say—that clergymen and others, who are far away from the administration of the laws, think that the administration of law is an easy thing. Far from it. It is not an easy thing. Had it been an easy thing, the effect of the Gospel would have shown far greater results than it has done in the last two thousand years. Human nature is very, very bad—(laughter)—and requires a great deal of restraint. I don't mean the human nature that is here—(renewed laughter)—human nature is very bad, and it is a very difficult thing to enforce the law. It takes 20,000 constabulary in Ireland, I believe, to enforce the coercive laws, and they are not very well enforced then. We cast about to find a basis of a specified majority, which would give us the assurance that the law would be enforced. You have read in the newspapers what was said. Some of our most influential clergymen—not more influential, perhaps, than are here—have said that it should have a large majority, some saying that it should be as high as 60 to 75%. They are as good temperance men as I claim to be; some of you may discount them—I don't know, that is not material—but they stand high in the church. I agree with them. Moreover I attach a great deal of importance to the remark of Sir Leonard Tilley, who had a great deal of experience in the Province of New Brunswick, and who said that such legislation should have a three-fifths majority. We cast about, then, for some basis, and we were about settling down to a basis of 60%, when after consultation with temperance men—and we are bound to consult all classes of the community—we found that some did not agree that the basis should be as low as 60%. Then we talked about a two-thirds vote. We found that temperance men would not agree to 60%, and said it would be a "loaded vote," and very strong things were said, and very disagreeable things were said. I then began to cudgel my mind, to see if we could not get some basis that would look reasonable and to which the majority principle would apply, and I said, if a majority can make or unmake a Government, it cannot be unreasonable to say that a

similar majority will make or unmake partial prohibition. (Hear, hear.) If a majority of the votes polled in West Middlesex says that Ross will be elected, Ross will be elected. He is going to be anyway, I suppose. (Laughter.)

A VOICE: I don't know about that.

THE PREMIER: There will be some doubt I hear a friend say behind me. Well, I have lived in the midst of doubts for some time, and I am good to live for a while yet. That is the position of the matter—if a majority of the people of the country want a Government, it goes in or out. If a majority of the people want prohibition, they shall have it. I don't think it is desirable that it should be a majority of the voters on the lists, for you have to consider the matters of deaths, absentees, etc. Now let us analyze the matter for a moment mathematically: We polled 75% in 1898 of the men on the lists. We polled 75%, that is to say 400,000 odd; if 200,000 say that prohibition shall carry, you have it. That is, if 50% of the 75% say so, you shall have it. That is, if 37½% on the lists say so. That is, if 3 out of every 8 on the lists say so, you can have it. That is the proposition in simple English. We say that a minority of three voters out of every eight shall have the right to force prohibition on the other five. Now I want you to think that over. Three men in this Province who go out to the polls and want prohibition can force it on the other five. Prohibition becomes the law of the land—the Government will by proclamation make it the law of the land—and the Government will give all its power, if this Government is in, to make the law effective. That is as far as I have gone. I want to say now that that is as far as we can go. There is no use mincing matters. I cannot say that a bare majority of the votes polled will give prohibition. That might mean a large or a small vote. If the day of voting is bad that might mean a very small vote. Temperance men are not more likely to come out to vote on a bad day than other people. You have great difficulties, you say, in inciting them or in forcing them to come out. That is unfortunate, but we say if three out of every eight of you come out for prohibition, you can have it. You say that we are not forcing the other people to come out. I say we don't care about them (Some cries of "Oh, oh.") I say we are not troubling ourselves about the other people. Let us be reasonable. I don't care, for instance, whether the other side in West Middlesex come out and vote against me. I don't care whether they come to the polls or stay away, but I want my own people

to come out. If you have 200,000 people in the Province of Ontario who want prohibition bring them out. What does it matter to you if your opponents do not come out?——(Some disorder, several gentlemen attempt to speak in reply).

THE PREMIER: Order, order, gentlemen. I have not interrupted anybody. Let your enthusiasm be restrained, my friends; we are down here at practical politics, practical business. We say to the temperance men of Ontario if three out of every eight of you come out to vote for prohibition, we will give it to you and enforce it. That is a very easy proposition. I am here on that basis myself—yes, about on that basis I am here myself. I am here by a majority of the votes polled, and you will be successful in prohibition by a majority of the votes polled, and I don't think you have a right to be successful in any other way, if you will pardon me for saying it. Mrs. Thornley has asked as to how we provide against corrupt practices. There is the same provision against corruption as in our own election. The law is as strong in one case as in the other. You will say, of course, that the liquor men will try to keep people at home. So they will, no doubt, and if you had the liquor men voting they would try to bring them out. Mrs. Thornley said there was gross corruption in London. That arose because they came out, and if you keep them away there will be no corruption. You will come out and vote purely, I am sure. You say they tried to stuff the ballot-boxes, but they cannot do that if they stay at home, and you will do your best, and I will, to bring them out by proper means. I know I do not satisfy you all, I did not expect to do that, but neither did I try to satisfy all the liquor-dealers. My desire is to give the people of Ontario a liquor law that can be enforced. I am too good a temperance man, and I hope the good Lord will always keep me that, by word or speech to do anything that would be prejudicial to the temperance cause. It is too good a cause to be sacrificed, even by the enthusiasm of its friends. But we are here to legislate for the liquor-dealers just as much as for you. They are exactly the same in the eye of our law as you. All are citizens of the country, and all have the rights of citizenship. And, of course, we have to do what is fair. We propose to change the condition of things that have existed ever since Canada had a Government, by saying that three men out of eight may force prohibition on the rest of the people and put them to all sorts of inconvenience, and yet nobody says that prohibition is a religious obligation, to be observed no matter what the consequences. Surely those citizens who

do not hold strong views one way or the other, to whom this measure will be obnoxious, have to be considered. I come to the other point, but first, perhaps, I should make one remark in reply to something Dr. Carman said. He said that under the present conditions of voting the ballot-boxes would be stuffed with 200,000 votes before the voting is begun. Well, that is not fair. I hope there will not be a single ballot in the boxes when you start. What you want is 200,000 in favor of prohibition after you have voted.

I don't see where the force of the remark is that your hands are tied. I don't see anything in that at all. I am not going to speak on that point. I took it down, and I just mention it—my hands are not tied—Dr. Carman's hands are not tied; he can speak well, he can instruct, preach and implore, and he can do it well, and eloquently and forcefully. Now as to the day. We inserted in the bill, as the day of voting, the 14th October, after consideration. I found, I think from Dr. Carman or some member of his Church, that the 14th of October would be inconvenient to the Methodists, on account of the Quadrennial at Winnipeg, and instantly and on the spot I said it shall not be on 14th October; we will put it off two or three weeks, any time you see fit, because we don't want anybody, as far as we can help it, restrained from exercising a full vote. The election will not be on 14th October. You say you do not want the Act on a separate day—I don't know that you think so, but some people say that a separate day was fixed by malice aforethought, to spoil the temperance vote. Well, now, be reasonable. All our elections are held on a separate day, with the exception of towns and cities; where school boards and councils are elected on the same day, all our elections are held on separate dates. Your municipal townships elections are held on a separate day; your school trustees on a separate day; local option is held on a separate day; the Scott Act election was held on a separate day—all elections are on a separate day. We never have the Provincial and the Dominion elections together. We followed these precedents; it was the most natural thing in the world that we should take a separate day for this prohibition vote, and we took it accordingly. I think now that October would not do. We have thought of some day in November. Some people said, take Thanksgiving Day; some people, take it on Municipal Elections Day. (Some applause.) You seem to view that favorably yourselves. Other people say, take it at the Provincial Elections. There is only

one thing I can say conclusively: It will not be on the day of the Provincial Elections. I think the Provincial Election is big enough to be an issue by itself. That is one question; and another thing, prohibition is big enough to be an issue by itself. And it was because I felt that prohibition was a big issue that I wanted a separate day, in order that the whole thought of the people might be directed toward it. You have said things that moved me a little. You have said, in the first place, that employees may be intimidated, and that they cannot get out to vote. There is something in that, but not much, because there are two hours allowed by law at noonday for casting their votes and they will be allowed in this case. But you say, the employee will be marked by his employer, and his employer, being unfavorable to prohibition, might exercise an unfavorable restriction upon him. That may be the case, but would we not be sorry to think that to any great extent the employers of labor would not be as anxious for prohibition as the workmen they employ? Is it a fact that the wealth of this country is all against prohibition? I don't believe it is. I think it is rather a reflection to say that the employers would exercise restriction over their employees. And yet it may be said that there are those in the liquor trade who would watch the polls and see who voted, and get at them that way. There is some force in that, and it might be done. It would be a very improper thing to do. But I do not see that it could be prevented. From what you say I will hold myself free, I and my colleagues will hold ourselves free, to take into due consideration if it would not be fair all around to take the date of the Municipal Elections as the day to fix. (Hear, hear.) I do not say we will do that. It is a new issue, presented to us for the first time. I will take that into consideration—respectful and thoughtful consideration. I don't want to handicap the temperance cause by anything that the law or procedure of Parliament can protect them against. I don't propose to do that. I simply propose to ask for an expression of opinion on the part of Ontario that will make me feel sure that the law will be enforced, if I am in power—and it will be no easier for any other Government to enforce it than for me, should I remain here. That is all I want. If it can be made easier for the temperance men to come out strongly and express their views manfully, then let them do so. I may make this remark before dismissing that. You may think it unkind. It is not unkind. If we as temperence men asserted ourselves a little more courageously than is often the case it would be a good thing. We have great difficulty in enforcing the present

good thing. We have great difficulty in enforcing the present law, and temperance men are no more help to us in enforcing the present law than anyone else. That is their particular obligation. Temperance men are not as courageous in asserting themselves as they should be. The great failure of the Scott Act was this: It was asked for by temperance men, and when temperance men got it, they left the law to enforce itself. You cannot put a constable in every hotel and a policeman on every highway. If those who know the law is not being enforced take no steps, we cannot here in Toronto enforce it without an expenditure of money that will be enormous. The cost of enforcing will be enormous. It cost us $78,000 to enforce the Scott Act for one year. That was only in 26 counties. With this Act, over all the Province, it will probably cost us $150,000 a year. That is all right; of course it is the people's money, and if prohibition is adopted no doubt we should take the people's money freely to protect this law, and I don't suppose anyone here will grumble at it. But when we spend money for a law which the temperance men want and the others do not want, those who do not want it will complain about the expenditure of money, and that may be embarrassing for us. For, while we are endeavoring to enforce temperance legislation, we have as good friends—I don't mean in the trade, I am not speaking of the trade at all—as good friends in the country, who are not total abstainers, and they take a different view from that which you take and I take. Now I have said too much, perhaps, but I have gone over the matter with frankness. I am glad to hear that you appreciate what I have done in the past for the temperance cause. I am not going to speak of that, or to say what I did; it is on record. I know you think I should have done differently in this case, and will think so to the end of time. That is a difference of opinion. I have done what I think best for the benefit of the country, and I am responsible to the country and my conscience for what I have done. I am as honest and sincere as you. Some of you, no doubt, think I should do more, and in that respect we must agree to differ, each doing in his own way what is best for the cause of temperance and the Province as a whole. I have no complaint to make about your deputation, or about anything that has been said, but I want you to feel more as though you were in my place than you are, and to look at this question from the standpoint of a man whose views are in accord on the fundamental principles of temperance, and who has the additional

responsibility of having to put them into legislation. Now, Dr. McKay, I shall not keep you any longer.

REV. DR. MCKAY : Mr. Premier, let me thank you, and I believe I speak the minds of all present, for the kind courtesy and the patient hearing you have given us. And thank you particularly for the comprehensive and earnest and well-reasoned review you have given us of the whole situation. I don't say, of course, that what you have said is unanswerable. However, you have the last word, and it is not for us to say anything in reply here. I am sure there are 50 or 100 here who would like to reply. (Laughter).

THE PREMIER : Theologians are great dialecticians, they like an argument.

DR. MCKAY : We thank you for our reception and for the remarks you have made; with very many, perhaps the most of these, we all very fully agree. We realize your difficulties, I am sure, and thank you again.

SPEECH

DELIVERED BY

HON. G. W. ROSS

On the Second Reading of the Bill respecting Prohibition, on 6th March, 1902

The Premier, who was greeted with prolonged Ministerial applause on rising to move the second reading of the prohibition bill, said : I need not trouble the House at any great length in moving the second reading of this bill. I have no doubt that hon. members of this House have a very lively recollection as to the extent, almost to weariness, with which I occupied their time on the first reading. I think I may very properly say, without dealing with this phase of the question at great length, that the bill has been well received generally. There are three parties to the reception of this bill from whom we have heard. The very earnest temperance man, who has so long been looking for prohibition and wondering why its chariot wheels tarried so long, expressed some dissatisfaction that we did not bring in a more decided measure, as he says, and more heroic legislation dealing with this question, disposing of the liquor traffic there and then, and inaugurating the millennium which he looked for if prohibition became the law. We expected that that class, a certain number of them at least—and they are very good men, everybody will admit their earnestness, men with whom, some of them, I have been associated all my life—we expected that some of them would be disappointed. So they were. We expected also that those who were in the liquor trade would urge objections. What they wanted was no bill. They were satisfied with the present condition of things, and wanted no further restrictions on the liquor traffic, at least not a bill so drastic as this appears to be. Between these two is a very large class, composed of temperance men and men who consider themselves temperate, though they do not go the length of being total abstainers. From that middle class the bill, on the whole, has received a cordial reception. (Ministerial applause). They

believe that the Government has gone as far as it ought to go in the direction of inaugurating such prohibition as is provided for, if it is to be effective in dealing with the trade. To those who hold that one sweep of the hand would dispose of it, then of course the bill does not go far enough. From the standpoint of the temperance man, who wishes to see legislation so soon as, and no sooner than, he believes it can be effective, the bill, in the opinion of a great many, goes as far as it is practicable to go. These are the three views that have come to me from the country, from gentlemen of good standing, from the press of both parties, and from the independent press ; so I stand up to-day with greater confidence in moving the second reading than when I moved its first reading.

Some Weighty Opinions.

I was able, on moving the first reading, to prepare the House with opinions of leading men in the Church and State as to the powers by which a prohibitory liquor law would be effective. We have heard a second time from these men and from the great multitude outside of those, I do not exactly say "the man on the street," but the many thousands whose minds are not keyed up to the same note as either of the extremists, and who believe we have asked the House to agree to a bill which, if it becomes law, and is subsequently approved by the people, can be made effective for the purpose for which it is intended, and no other bill should be passed by this House. (Ministerial applause). Let me refer briefly to a quotation from the *Montreal Witness*, a paper that has supported prohibition for thirty years or more, through good and evil report. The quotation, which is from an editorial upon the liquor bill and the referendum, is as follows :—"Looking at the thing apart from our strong desire to see a prohibitory law passed, and in the character of a judge seeking abstract right, we could not see that it would have been easy to find a better way of fixing what would be a substantial majority of the voters than the one chosen by Mr. Ross. We concluded that, apart from predilections, the sense of the community would be that it was fair, and we therefore resolved to accept it heartily. There is one course which we cannot too often urge on our readers. Most of them are prohibitionists, and have been, like ourselves, working for a prohibition law all our lives. We have, perhaps, been at too close quarters in the fight for this definite aim to keep

fully in mind that it is not a law that we are really fighting for, but to secure such a sentiment on the part of the people as will make the drink traffic accursed in all men's eyes. For ourselves, we put little faith in law except as the expression of such overwhelming public opinion as will insist on its enforcement. This moral force, which is the real desideratum, can be developed almost as successfully under one plebiscite or referendum as under another. Under the referendum proposed by Mr. Ross we have at least the opportunity to demonstrate to all reasonable men whether Ontario does or does not want prohibition in the concrete form of a given law. Let us not get this referendum shelved for another seven years by kicking against it, and let us reserve our best powers to showing clearly when the referendum comes that Ontario wants and demands prohibitory legislation."

MR. WHITNEY: Has my hon. friend got the date of that editorial?

THE PREMIER: I have not got the exact date. It was some time in February.

The Government's Standpoint.

Now, that expression of opinion from a paper of the standing of the *Montreal Witness* is just in keeping with expressions which we have received from many hundreds of persons who have looked at this question not alone from the standpoint of getting a prohibitory law on the statute-book, but a law that could be enforced, a law that was sustained by such a volume, or, in Mr. Foster's words, such a preponderating public opinion as would make it effective when in operation. It is from this standpoint that the Government viewed this legislation from the very outset. We think it would be harmful to public morals, and harmful to the temperance movement, and to the best interests of the country, if, as in the case of the Scott Act, and of prohibitory legislation in the United States, we precipitated a law not acceptable to the people, and which public opinion would not assist in enforcing. (Ministerial applause.) We do not want to repeat, in connection with this law, the mistakes made in connection with other prohibitory legislation. (Renewed Ministerial applause.) Having disposed of that point, I may refer to another. Some objection has been taken that the referendum is not constitutional. I do not intend to argue that; it may be argued later from this side of the

House. I will quote one or two authorities, good temperance authorities, and the first is Dr. Maclaren, President of the Alliance, who was interviewed at Montreal on the question of the referendum. Dr. Maclaren said: "The referendum had been variously regarded. It was held to be un-British in some quarters. Again, there were those who said it was unconstitutional. He did not hold with this view. The referendum was quite constitutional, but it, perhaps, hardly answered to our party system," and then he went on to speak of the party system. That authority on its constitutionality is of some importance. It has been said that instead of passing this measure and submitting it later to the people, we should have assumed the full responsibility of this measure ourselves.

Sir William Meredith's Views.

I argued against this view, inasmuch as it is not the view or the basis upon which local option is passed, nor the basis upon which the Scott Act is passed, nor is it the basis upon which many by-laws are adopted by the people. The precedents are all in favor of our course. In support of that view I notice in one of the Toronto papers a quotation from the speech delivered by Sir William Meredith on May 21st, 1894, in the City of London, which I will read, not simply because he is now Chief Justice of the court of which he is a member, but because he was at one time leader of the Conservative party. At this time he was speaking as leader of the Conservative party. No doubt he represented the view of his party then. I am equally sure that he represents the view of the best men in his party now. (Hear, hear.) He was a leader of considerable foresight, that had the confidence of his party. He fought their battle, and stood by them. He retired from active politics, and now presides as a worthy Chief Justice in the High Court. He goes on to say: "If it shall be determined that there is jurisdiction in the Local Legislature to deal with this question of the liquor traffic, then it will be the duty of any Government which is in power in Ontario to bring in a bill and pass it for the purpose of carrying into effect what has been determined to be within the jurisdiction of the Legislature." That is precisely what we are going to do. We have brought in the bill, and we are going to pass it, if we can pass it, and I think we can. "It seems to me that any such law as that," he went on, "should be an effective law, and should have no results that would be disastrous to the interests

of temperance throughout the country." That is looking at the law precisely from the same standpoint as I have looked at it, and as hon. gentlemen opposite will, I think, look at it. He does not want a law that will be disastrous to the interests of temperance. "And, therefore, I think it would be decidedly in the interests of the whole community that any measure such as that, before it should become law, should be again submitted to the people, in order that they should have an opportunity of pronouncing yea and nay upon it." Precisely what we are doing, and no doubt what he would do if he were in this House, and no doubt every thoughtful temperance man believes we should pass a law, and submit that law to the people, in order to ascertain what public opinion is in regard to it. Having done so, then the law has full force and effect. It has the ratification of the people.

The Objections Considered.

Now, I propose considering for a few moments some of the objections we have heard. The first objection is the basis of voting. It is held by a great many that the decisive vote should be a majority of the votes polled. That view, as I showed in my argument in introducing the bill, has no substantial support among the leading temperance men in public life, nor among many temperance men who in the Church are supposed to represent the best sentiment of the various churches to which they belong. A bare majority of votes has not been advocated by any man of large experience in legislation, and is opposed by very many men of large experience in connection with religious and Christian work. The strongest authorities are against a bare majority of votes. We, therefore, are not disposed to submit the bill for ratification in that way. A bare majority may mean a small majority, as in the case of the Scott Act vote, as in the case of the last plebiscite in Ontario; it may mean a small percentage of the whole vote. You would, therefore, have a minority of the people putting into operation and giving life and vitality to a bill in regard to which there had not been an adequate expression of public opinion. In ordinary legislation that merely affects a few, that may be good and well, but in legislation so far-reaching, touching so many, touching those who are in business, touching those who are in public life, touching the social relations of a large number of our people, one can readily see how a law like that, born in weakness and feebleness, would only exist in a sickly and ineffective condition for some

time, and be cast aside by those who gave it their support. We, therefore, insist upon one-half of those who have voted at an election, who may vote to signify their opinion of this bill, and in obtaining one-half, if that one-half be a majority of the votes cast, then prohibition becomes effective. It is a very simple proposition indeed. If not one-half of the voters of this Province say that the present balance of political parties shall continue, or if they say it shall be changed, then it is changed or continued accordingly. I cannot get away from that as one of the simplest and fairest propositions that could be submitted; a majority of those who on occasions such as a general election go out to express an opinion upon public questions affecting the Province, being asked to come out and express a public opinion on this question, ought to be, in my judgment, conclusive as to the result. Nothing less should be taken, nothing more need be asked. It is the principle of equipoise, which maintains our institutions in their present shape.

Vote of 1898 the Basis.

That vote is to be based on the elections of 1898, as we at present intend. In my opening speech I said it would be based upon the general elections that may take place some time during the coming summer. Objections were taken to that on two grounds. First, it was said that some would refrain from voting in order that the aggregate vote may be small, and thus make prohibition easy to carry. Others said: We will force the vote, make it as large as possible, and make prohibition difficult to carry. Both proposals are objectionable, and, so far as the law is concerned, should be prevented, if the law can prevent them. In order to find a sure basis, and one that is already determined, we have taken the vote of 1898, and in taking the vote of 1898 we assume that the registered vote on the bill will be as near as may be the same as the vote which may be polled in 1902. For instance, I find in 1898 the registered vote was 582,345; that was in our last general election. In the last Dominion election, in 1900, the registered vote was 582,403, or only 58 greater than in 1898. And if hon. gentlemen will notice this fact they will see that my inference from that is a sound one. The vote of 1898 was practically taken upon the lists of 1897, for the election was in March. The vote of 1900 was taken upon the list of 1900, for the vote was in November. In these three years the increase in the registration was only 58, so that since last elec-

tion the presumption is reasonable that the increase in the registration is a matter of a very few hundred at the very most, even if it would amount up in the hundreds.

The Majority Rules.

The vote polled in 1898 was 426,976; one more than the half of that means prohibition, if recorded in favour of this act, provided that those on the other side do not poll a larger number of votes. We believe that on that basis we would get a law that could be enforced. We believe in the principle that the majority ought to rule, and the bill provides that it shall rule. (Ministerial applause.) We poll about 75 per cent. of the registered vote in the general elections. We are taking one-half of 75, or 37½ per cent. of the voters on the list. That means, as I said a few days ago, that if three out of eight voters on the list record themselves in favor of the prohibitory law it prevails. That is certainly as reasonable, as comprehensive, I was going to say as generous, as we can make it. (Ministerial applause.) It is said that only those in favor of the measure require to vote in this case. I do not know about that. I believe that those opposed to prohibition will vote. They have the privilege, and there is no reason why they should not vote. I saw an announcement in the papers the other day that it is their intention to vote. Their argument is that if the vote for prohibition is very large, and only a few straggling votes cast against it, the country will come to the conclusion that there is no anti-liquor sentiment. Prominent temperance men think it would be in the interests of a thorough test of the question if both sides will vote. It is possible that the other side will vote with greater energy than is expected at this moment, or is desired later on. I hope that this is not the case. If there be a sufficient number of votes for the measure, temperance men need not care if the votes on the other side be few or many.

As to the Date.

Another objection is that we have fixed on a special day. We have mentioned the 14th of October. We propose changing it to a day later in the year; early in November, or some convenient date when we believe that the means of transportation would be better than later on, and a sufficient time had elapsed after the holidays to enable those who have views on the subject

to present them to the people. We are certainly of the opinion that this question is of sufficient magnitude and importance to demand the consideration of the electors of this country on a separate day. (Ministerial applause.) I cannot get away from that. Local option is on a separate day, though the vote is sometimes doubled with municipal elections. The Scott Act has a separate day. I was in the House of Commons when it became law. No one wanted it to be mixed up with municipal elections; everyone agreed that it should be held on a separate day, so far as I remember, and it was so. The plebiscite of 1898 was taken on a separate day, and I never heard that the temperance men wanted the plebiscite taken in 1898 to be taken on the day of the municipal elections. Indeed, in looking over the papers I find that the report of the Plebiscite Committee of the alliance asked two things: First, "that the basis of the vote be the franchise on which the next Parliament would be elected; second, that the issue of prohibition should be submitted separate from all other questions of public policy. Especially," the report says, "do we object to any method of raising revenue being joined with prohibition in the vote, as the problem of revenue has been, is and will continue to be a public question large and important enough to be dealt with by itself." (Ministerial applause.) You can only get the question separated from all other questions of public policy on a separate day. If you have it on municipal election day it is mixed up with municipal elections.

Previous Views as to Date.

The propriety of a vote on the question on municipal election day was discussed in this House in the Ontario plebiscite debates of 1893. Mr. Meredith, who was then leader of the Opposition in this House, said: Another objection to the bill was that, instead of submitting the question at the expense of the Province, it was proposed to interject it into the municipal politics of the country. Instead of parties dividing on local matters, the issue would be the question of prohibition, and municipal Councillors would be elected on the question as to whether or not they were for or against prohibition. Why should not the question be submitted at the Provincial election, at which were to be elected the men who, if they had the power, would pass a prohibitory law? Mr. Whitney argued that the question should not be submitted to the women entitled to vote at municipal elections. That would mix it up in another way.

(Ministerial applause.) Mr. Magwood said that the important questions brought up at municipal elections would distract the attention from the question at issue. Also on the ground that many persons assessed in different municipalities could vote more than once.

The intention there was, you see, in one form or another, that the question should be separated from municipal elections purely in order that it should not be mixed up with other questions. On the motion for the third reading Mr. McCleary moved an amendment that the vote be taken at the Provincial instead of the municipal elections, and in favor of that resolution the Opposition voted. (Ministerial applause.) They voted against it being held on a municipal election day. The Government supported it, on the ground that the plebiscite was a moral expression of opinion on an academic question; that it would only indicate the tone of public opinion; that it would not necessarily come into operation to create a law.

Should Stand Alone.

The position now is quite different. The bill submitted to this House, if approved of, does become law. We think that it should be submitted when the whole attention of the country can be given to the issue. (Ministerial applause.) As against this there are a few expressions of opinion. Some say we would get a fuller expression if the vote were held on municipal election day. That may or may not be the case. From inquiry I find that the .vote on municipal election day is comparatively small. In Toronto at the last municipal election only about 40 per cent. voted for the candidates for the Mayoralty. The presumption or expectation is that you will get a larger vote, because the people who go out to vote, being on the ground, may at the same time vote for prohibition. Is it a fair way to deal with a great issue like this? Is it fair to assume that men take so little interest in a great moral issue (and it is that) that they need extra inducement to go out and vote and express their views? They are given no extra inducement to vote for Aldermen, and so on, and yet here is one of the largest questions ever seriously before the House and the country, and some men say it is not large enough to stand alone, that it must be attached to the election of some Alderman or township Councillor, or somebody else, because it is not able to stand alone. I decline as a temperance man to be put in that position. If the question cannot

stand alone it cannot stand at all. (Cheers) And so, when we are taking the first step, let us look at the second step, which is by far the most serious one. Therefore I say that temperance men owe it to their own conscience and to their own self-respect to demand a separate day and declare themselves for the principles which they have advocated and propagated for twenty or thirty years. That is the basis I want for myself, and what I want for myself I want for others.

No Belief in Intimidation.

It will be said that those who go out and vote will be marked men. Who is afraid of being a marked man? Do you want to imply that a prohibitionist is tinctured with moral cowardice? I decline to be put in that class as a prohibitionist and advocate of temperance. Marked men, forsooth! In my early days every man who signed the pledge was a marked man, and was scoffed at as a man too weak to take a drink or let it alone, and had to fasten himself up by pledges and obligations, being unable to stand without such obligations. And we stood our ground for a quarter of a century or perhaps a longer period, and now that feeling has swung to the other side; a man is not degraded nor scoffed at because he is known to be a temperance man. In my early elections a man who did not spend freely at the bar was looked upon as unworthy of the respect of the electors. Times have changed. Treating at the bar may not be prohibited, but it is now looked upon only as a mark of generosity, apart altogether from the impropriety of spending money to get men intoxicated to shout for the candidate. Marked men! The men who laid the foundations of civil and religious liberty were strong enough and bold enough to permit themselves to be marked, in order to assert themselves, and show the world that they had convictions. The early Christians were marked men. The Presbyterians in Scotland were hunted like partridges in the mountains because they were marked men. The abolitionists in the United States were marked men, and William Lloyd Garrison said in his preface to his first edition of *The Liberator* that "I have taken this ground; I will not retreat a single inch; I will be heard"; and he was heard above the booming of the cannon in that terrible civil war. And why? Because he dared to be a marked man—dared to be a marked man for the cause of human liberty. (Ministerial applause.) We are here in the full blaze of the twentieth century liberty,

and we ask somebody to hold an umbrella over us as we go to the polls to vote for prohibition, and we ask somebody to take us to vote for John Smith as Alderman, and then when you get inside and mark a ballot for councillor, you slip a ballot into the box for prohibition, and in that way you expect prohibition to be effective ! Great movements and reforms are not won in that way. (Ministerial cheers.) And if there be anything for which the temperance men of Canada have to reproach themselves more than another it is because they were not prepared to stand up or be counted either for referenda or for the Scott Act.

An Unworthy Reproach.

I dismiss that as an unworthy excuse for failing to do one's duty in a great moral reform, and I dismiss as unworthy of notice the pretence that employers will exercise undue influence over the voters. I do not think that will be done. Hundreds and thousands of men who employ labor are as anxious for prohibition as the men who serve them. (Hear, hear.) It is a reproach which should not be cast upon them, that they will not give their men ample facilities to go out and vote. The law allows two hours at midday to vote ; our bill will give the same privileges, and I will be disappointed if a single man is told by his employer that he must yield his liberty as a British subject in going to the polls.

Vote in November.

I say we prefer the month of November as the date of polling. We shall have the polling on a day in that month. It will be convenient. The last general election of the Dominion was held in that month. It was considered to be seasonable weather, and under these circumstances I think we may expect as full an expression of public opinion as the occasion will warrant. We hope to close the hotels on that day in order that no undue influence might be exerted. We hope that those who have changed their residence since the June election may be enabled to vote. What we want is the fullest expression of opinion without let or hindrance. The bill we present on that basis. We are glad of the reception already given it. We shall be glad if that bill prevails. If it prevails and we are in power, we shall see that it is enforced to the best of our ability. It is no objection that this election will cost something. It will effect a great deal

educationally, and it will settle one way or the other a question that has hung upon the fringe of politics, sometimes projected into politics, sometimes a disturbing element, sometimes a difficult matter to dispose of; and having been settled, it will be for Parliament to consider what best can be done to maintain that high standard of morality, of which Parliament has approved so often in the past. (Cheers.)

I am not going to discuss the various clauses of the bill. They are somewhat drastic, but they are quite clear, easily comprehended, and in committee may be disposed of in a very few moments. I do not suppose there is any doubt what they mean, they having been referred to the Privy Council. I move the second reading of the bill. (Loud Ministerial cheers.)